



Planning Commission Agenda

Meeting of February 8, 2016
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Flores

Approval of Minutes

1. Approval of Minutes from the Meeting of January 25, 2016

Approval of Agenda

2. Approval of Agenda for the Meeting on February 8, 2016

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PRESENTATIONS

PUBLIC HEARINGS

3. Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue with an exception for less than required lot frontage. (Case File No: 2015-20 LS)
4. Resolution 2016-01 taking action on a Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue with an exception for less than required lot frontage. (Case File No: 2015-20 LS)
5. Conditional Use Permit for beer and wine sales at Yi Sushi Restaurant to be located at 1430 East Plaza Blvd., suite E-7B. (Case File No: 2015-21 CUP)
6. Resolution 2016-02 taking action on a Conditional Use Permit for beer and wine sales at Yi Sushi Restaurant to be located at 1430 East Plaza Blvd., suite E-7B. (Case File No: 2015-21 CUP)
7. Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No: 2015-28 CUP)
8. Resolution 2016-03 taking action on a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No: 2015-28 CUP)

OTHER BUSINESS

9. Request seeking report from the Planning Commission regarding City Council modification of a Planning Commission recommendation to amend Title 18 (Zoning) related to Signs and Outdoor Advertising Displays.

STAFF REPORTS

Senior Assistant City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on March 7, 2016.



Planning Commission Minutes

Meeting of January 25, 2016

Planning Commission Meeting
City Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

The meeting was called to order by Chair Bush at 6:04 p.m.

Roll Call

Commissioners Present: Alvarado, Baca, Bush, Garcia, Yamane,
Commissioners Absent: Dela Paz, Flores

Staff Also Present: Claudia Silva, City Attorney; Nicole Pedone, Senior Assistant City Attorney; Martin Reeder, Principal Planner; Raymond Pe, Principal Planner;

Pledge of Allegiance Presented by Commissioner Yamane

1. Approval of Minutes for the Meeting on December 7, 2015.

Motion by Baca, 2nd by Garcia to approve the Minutes for the meeting of December 7, 2015.

Motion carried by the following vote:

Ayes: Garcia, Yamane, Baca, Bush, Alvarado

Absent: Flores, Dela Paz

2. Approval of the Agenda for the Meeting on January 25, 2016

Motion by Alvarado, 2nd by Yamane to approve the Agenda for the Meeting on January 25, 2016.

Motion carried by the following vote:
Ayes: Garcia, Yamane, Baca, Bush, Alvarado
Absent: Flores, Dela Paz

ORAL COMMUNICATION: None

PRESENTATIONS: None

PUBLIC HEARINGS

Note: Commissioner Yamane recused herself at 6:07 p.m. and left the chambers.

3. Continued Public Hearing for a Conditional Use Permit for a Wireless Communications Facility at Sweetwater High School located at 2900 Highland Avenue (Case File No.: 2015-17 CUP)

Presented by Principal Planner Martin Reeder

Motion by Garcia, 2nd by Baca to continue the Public Hearing for a Conditional Use Permit for a Wireless Communications Facility at Sweetwater High School located at 2900 Highland Avenue (Case File No.: 2015-17 CUP) to the regular meeting scheduled for March 7, 2016.

Motion carried by the following vote:
Ayes: Garcia, Yamane, Baca, Bush, Alvarado
Absent: Flores, Dela Paz

Note: Commissioner Yamane returned to the dais at 6:11pm

OTHER BUSINESS

4. Election of Officers for 2016

Motion by Bush, 2nd by Alvarado to recommend Commissioner George Baca as Planning Commission Chair for 2016.

Motion carried by the following vote:
Ayes: Garcia, Yamane, Baca, Bush, Alvarado
Absent: Flores, Dela Paz

Motion by Baca, 2nd by Alvarado to recommend Commissioner Roberto Garcia as Planning Commission Vice Chair for 2016.

Motion carried by the following vote:
Ayes: Garcia, Yamane, Baca, Bush, Alvarado
Absent: Flores, Dela Paz

5. Overview of the Planning Commission's mission and duties.
Presented by Principal Planner Martin Reeder

Planning Commission Meeting Minutes January 25, 2016
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Commissioners and Staff discussed duties of the Planning Commission as governed by the Planning Commission Bi-laws. Areas of interest raised by Commissioners included tree planting and list of approved trees, subcommittees, attending City Council meetings, and annual report to council.

STAFF REPORTS

City Attorney Claudia Silva introduced the new Sr. Assistant Attorney Nicole Pedone. She will begin as commission staff attorney with the Planning Commission on February 8, 2016.

Executive Director Brad Raulston welcomed the new Sr. Assistant City Attorney. Thanked Commissioner Bush for his service as chair in 2015 and welcomed Commissioner Baca as Chair and Commissioner Garcia as Vice Chair in 2016.

The Budget Calendar has been released and staff is in budget preparation for fiscal year 16/17.

Advised Commissioners about Design Charrette Port Workshops with first happening last week and invited them to attend the 2nd Workshop on Thursday, January 28th at 5:30 in MLK. Final presentation by the Port to the City Council in April.

Principal Planner Martin Reeder thanked Commissioner Bush for his service and welcomed the new chair and vice chair.

COMMISSIONER REPORTS:

Garcia: Thanked Commissioner Bush for his service in 2015. Encouraged others to attend the Port Workshop

Yamane: Thanked Commissioner Bush and welcomed new chair and vice chair. Thank you to City Council for the birthday greeting card.

Bush: Thanked commissioners and staff for opportunity to be Chair. Turned gavel over to incoming Chair Baca.

Baca: Thanked Bush for service. Inquired when Round-about would be completed. Mr. Raulston responded that the asphalt is being re-poured and it should be open in the next couple of weeks.

Adjournment by Chair Baca at 6:47 p.m. to next meeting scheduled for February 8, 2016 at 6:00 pm.

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - TENTATIVE PARCEL MAP FOR THE
SUBDIVISION OF ONE LOT INTO TWO AT 2739 "C"
AVENUE WITH AN EXCEPTION FOR LESS THAN
REQUIRED STREET FRONTAGE.

Case File No.: 2015-20 LS

Location: "C" Avenue South of East 27th Street

Assessor's Parcel Nos.: 562-122-22

Staff report by: Michael Fellows, Assistant Planner

Applicant: Sapient Providence, LLC

Zoning designation: Small Lot Residential (RS-2)

Parcel size: 12,000 Square Feet

Adjacent zoning:

| | |
|--------|----------------------------|
| North: | Single-family homes / RS-2 |
| East: | Single-family homes / RS-2 |
| South: | Vacant Lot / RS-2 |
| West: | Single-family homes / RS-2 |

Environmental review: Categorical Exemption – Section 15315 (Minor Land Divisions)

Staff recommendation: Approve based on attached findings and subject to attached Conditions of Approval

BACKGROUND

The applicant and property owner has applied for a Tentative Parcel Map to subdivide the existing approximately 12,000 square-foot lot into two parcels. There is an existing house, which will remain. Subdivision of the lot will allow for the construction of another single-family residence on the newly-created parcel. The resultant lots will be 5,653 and 6,350 square feet in size respectively.

Site characteristics

The approximately quarter-acre property is located south of the "C" Avenue cul-de-sac south of 27th Street on in the RS-2 Zone. The property is developed with a single-family residence that is accessed via an easement from "C" Avenue (the property is "landlocked" and has no street frontage). The property slopes steeply downward east and west from the easement. The property becomes relatively flat from the base of the slope for about 100 feet east. The lot dimensions are approximately 165 feet deep (east to west) and an average of 78 feet wide (the lot is wider at the west end). The site is also accessible from "D" Avenue (east of the property) via an easement across an adjacent property owned by the same property owner; however, the easement is too narrow to provide adequate vehicular access to the lot as required by the Land Use Code.

The existing single family residence is a two-story, 2,081 square-foot house located on the northeast portion of the property. The upper story includes living space and the garage that is accessed directly from the easement located at the top of the slope. The lower level is living area. There is no natural habitat or bodies of water present on-site

Proposed use

The applicant is proposing to subdivide the existing approximately 12,000 square-foot lot into two lots. The existing home would remain and would be on a 5,653 (+/-) square-foot lot (Parcel 1). The east 6,350 (+/-) square feet would become Parcel 2. The applicant plans to construct a new single family residence on the proposed east lot. Access to the proposed residence would be provided via the easement from "C" Avenue and would include the construction of a sloping driveway to the residence.

Subdivision of the property into two lots is proposed as follows:

Parcel 1 would have approximately 65 feet of frontage on the easement from "C" Avenue and be approximately 90 feet deep, although the lot would be slightly irregular in shape (see attached Exhibit "B"). The existing residence would continue to meet setback requirements.

Parcel 2 would have 12 feet of frontage on the easement from "C" Avenue. The applicant would construct a driveway from the easement sloping southeast to the lower level lot. The parcel would be 12 feet wide at its narrowest point (the proposed ingress/egress easement) and 66 feet at its widest point. The lot would be about 165

feet deep. The area that would comprise the buildable area would be 70 feet by 66 feet in size.

Analysis

General Plan

This project contributes to infill development, which is encouraged by the General Plan:

Policy LU 4.3: Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

The proposal also provides an additional home ownership opportunity. If the future home is constructed, the resulting density of 7.26 units per acre would also be consistent with the General Plan density for the Low-Medium Density Residential land use designation (RS-1 and RS-2), which specifies a maximum density of 9.0 units per acre.

Subdivision Ordinance

The purpose of the Subdivision Ordinance is to regulate and control the division of land in the City. It specifies the procedures and requirements to divide land. One such requirement is that divisions of land that create four or less parcels prepare a tentative parcel map, hence this application. The Subdivision Ordinance also requires that all land proposed to be divided must conform with the Subdivision Map Act, the General Plan, and any specific plan or regulatory ordinance of the City of National City that may apply.

The Subdivision Ordinance also allows Planning Commission to approve modifications that are, "reasonably necessary or expedient and in conformity with the Subdivision Map Act." In this case the applicant is requesting that Planning Commission approve an exception for less than required street frontage. The Subdivision Ordinance requires that all new lots have a minimum of 50 feet of frontage on a street. The request for an exception from this requirement is necessary because the property is landlocked and is only able to be accessed via an easement from "C" Avenue. Therefore, no street frontage would be possible.

Land Use Code

The Land Use Code establishes a minimum lot size of 5,000 square feet in the RS-2 zone and a maximum density of one dwelling unit per lot. This means that if the lot split is approved, the applicant will be permitted to construct an additional single family house on the proposed Parcel 2 that would not be allowed without the lot split. The required minimum lot width is 50 feet, which is provided in this proposal. Both proposed lots would exceed the minimum lot size for the zone, and the proposed development of one house per parcel would be consistent with the development pattern of properties in the same block.

The Land Use Code requires that vehicular access and off-street parking be provided for all residences; therefore, a driveway would need to be installed leading to the proposed Parcel 2. The Land Use Code requires that a driveway serving a single-family residence

be a minimum of 12 feet wide. The applicant owns the property adjacent to the east that fronts on "D" Avenue. This property has an existing 10-foot wide easement across the south side of the lot that leads to the subject parcel. However, this would not meet minimum standards (12 feet). Therefore, the applicant is constructing the driveway from "C" Avenue. A Condition of Approval has been added accordingly (see Engineering conditions).

Required findings (Tentative Parcel Map)

The Subdivision Map Act contains seven required findings for Tentative Parcel Maps as follows:

1. The proposed map is consistent with the National City General Plan and applicable specific plans.

The proposed single-family subdivision, at a density of 7.26 units per acre, is consistent with the Low-Medium Density Residential land use designation [in the General Plan], which specifies a maximum density of 9.0 units per acre. In addition, infill development is encouraged by Land Use Policy 4.3. There are no specific plans applicable to the site.

2. The site is physically suitable for the proposed type of development.

The new lot will allow for a single-family home to be constructed on a level building pad on the site with a minor amount of grading while still meeting all applicable design standards (e.g. setbacks).

3. The site is physically suitable for the proposed density of development

The proposed new lot can accommodate a single family residence with suitable yard areas and still meet prescribed recommended density for the area.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

There is no natural habitat or body of water present nearby or on-site. The property is mostly surrounded by urban development.

5. ~~The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems.~~

All necessary public services will be provided, as required by approvals required for new construction.

6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

Access to sewer, water, and drainage utilities in the area or across the property will be maintained as required by all applicable easements.

7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.

Discharge of sewerage waste will be addressed through a sewer permit, which is required as part of construction of a future home.

Two additional findings are included with all Tentative Subdivision Maps, which are encapsulated by approval of the Tentative Parcel Map subject to the findings above, as required by the Subdivision map Act.

8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

Required findings (Exception for less than required street frontage)

The City's Subdivision Ordinance contains separate findings required for the requested exception, which are as follows:

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements.

The property is landlocked and isolated from public streets and is only accessed from an easement from "C" Avenue. Therefore, it cannot meet this requirement.

2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity.

Adequate access will be provided for both lots to "C" Avenue via the existing easement and via the proposed easement across Parcel 1.

3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.

The proposal will create an additional homeownership opportunity, consistent with Land Use Policy 4.3, which the requested exception facilitates. In addition, the property is not located within any specific plan area.

California Environmental Quality Act (CEQA)

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The project qualifies for a categorical exemption under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act. It can be seen with certainty that the project will not have a significant effect on the environment, as the project is a minor land division within the city limits of National City, an urbanized area. The approximately 12,000 square-foot property has been disturbed previously and has no value as habitat. The division fulfills the General Plan's intent for this land use designation with regard to residential density and infill of vacant or underutilized properties.

Department Comments

Comments were received from the Building, Engineering, and Fire Departments, as well as Sweetwater Authority. The comments have been included as Conditions of Approval. The Building Department is requiring compliance with codes related to construction of future housing; the Engineering Department provided comments related to future grading and construction, easements, and Final Map requirements; the Fire Department is requiring compliance with codes related to fire protection and access for future housing; Sweetwater Authority provided comments related to the adequacy of existing infrastructure and easements. Any future construction on the property would require adequate water infrastructure that can provide necessary fire flow. As no construction is currently proposed, any comments related to construction and utilities would be addressed at the time of future building permit submittal.

Summary

The subject property is a large lot, which is more than twice the minimum lot size required in the RS-2 zone. As such, it is suitable for subdividing. The placement of the existing home allows the opportunity for subdivision with all necessary setbacks being provided. The project as proposed meets minimum lot size requirements. The proposal would be consistent with area development. If approved, the proposed subdivision will likely result in an additional home ownership opportunity, and will meet all Land Use Code requirements, consistent with the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes at the time of future construction.

OPTIONS


1. Approve 2015-20 LS subject to the conditions listed below, based on attached findings and/or findings to be determined by the Planning Commission; or
2. Deny 2015-20 LS based findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit B, case file no. 2015-20 LS, dated 11/9/2015)
6. Public Hearing Notice (Sent to 18 property owners)
7. Notice of Exemption



MICHAEL FELLOWS
Assistant Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2015-20 LS – 2739 “C” Avenue

1. The proposed map is consistent with the National City General Plan and applicable specific plans, because the proposed single-family subdivision, at a density of 7.26 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, that infill development is encouraged by Land Use Policy 4.3, and because there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, because one additional single-family house can be located on a level building pad on the site with a minor amount of grading while still meeting all applicable design standards.
3. The site is physically suitable for the proposed density of development, because the proposed new lot can accommodate a single family residence with suitable yard areas and still meet prescribed recommended density for the area.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because no natural habitat or bodies of water are present nearby or on-site, and because the site is mostly surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, because all necessary public services will be provided, as required for construction approval.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, because access to sewer, water, and drainage utilities will be maintained as required by all applicable easements.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6, proof of which is required as part of required sewer permits for any future construction.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.

9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

**FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE**

Case File No. 2015-20 LS – 2739 "C" Avenue

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, because the property is isolated from public streets and is only accessed from an easement from "C" Avenue.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, because adequate access will be provided for both lots to "C" Avenue via the existing easement and via the proposed easement across Parcel 1.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, because the proposal will create an additional homeownership opportunity per Land Use Policy 4.3, which the requested exception facilitates, and because the property is not located within any specific plan area.

RECOMMENDED CONDITIONS OF APPROVAL

Case File No. 2015-20 LS – 2739 “C” Avenue

General

1. This *Tentative Parcel Map* authorizes the creation of two new parcels from one existing parcel located at 2739 “C” Avenue with an exception for less than required lot frontage. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit B, case file no. 2015-20 LS, dated 11/9/2015. No construction or demolition is approved as part of this approval.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Parcel Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes, the National City Municipal Code, and any other applicable state and local codes.

Engineering

5. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information and monumentation.
6. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
7. Separate water and sewer laterals shall be provided to each lot/parcel.

8. The developer shall bond for the monumentation, the public improvements on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to approval of the final map.
9. The creation of an easement for ingress and egress to and from Parcel 2 across Parcel 1 will be required. The easement shall be created on the final map.
10. National Pollutant Discharge Elimination System check list shall be submitted and approved.
11. The final map shall be recorded prior to issuance of any building permit.
12. All new property line survey monuments shall be set on private property, unless otherwise approved.
13. The parcel map/final map shall use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearings in terms of the system. The angle of grid divergence from a true meridian and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.

Fire

14. Plans are to be designed, fabricated, and installed to code.
15. Project to be in compliance with the current editions of NFPA, CFC, Title 19, and local City of National City Municipal Codes.
16. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Alternative options must be approved by the Fire Department.
17. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. All turns available for fire access and travel, shall maintain a minimum of a 28 foot radius. All Fire Department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
18. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
19. All contractors shall possess a National City new business license prior to Fire Department plan submittal. A copy of the business license will be required at time of plan submittal.

20. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus (15% Grade).
21. Where required by the fire code official approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.
22. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Sweetwater Authority

23. The TPM needs to show the existing water meters to the surrounding and subject parcels.
24. The TPM does not show a future water meter location to service proposed Parcel 2. Please indicate where the water meter will be placed. Please note that water facilities cannot be located within three (3) feet of the edge of driveway aprons and a separation of ten (10) feet is required between sewer and water laterals. If the water meter is to be placed within public right-of-way, the Owner is required to provide the Authority with a written request for a Remote Water Service prior to Parcel Map recordation for approval by the Authority's Governing Board. The Authority fee for such a request is \$650.
25. This property is most likely encumbered by an Authority blanket easement. The Authority recommends that the Owner quitclaim the easement prior to Parcel Map recordation. By quitclaiming the easement, both parcel titles will be free of the easement blanket encumbrance, and the Letter of Omission requirements will be eliminated. Quitclaims require approval of the Authority's Governing Board. The Authority fee for such a request is \$700. If the Owner does not choose to quitclaim the blanket easement, the Owner must submit a written request to the Authority for a Letter of Omissions.
26. The parcel is located in a section of the Authority's service area that is served by 6-inch water main on "C" Avenue and an 8-inch water main on "D" Avenue with the closest fire hydrant located at the northwest corner of "C" Avenue and East 27th Street. The Authority may not be able to provide fire flow as required by the National City Fire Department. It is highly recommended that the owner consult with the Fire Department to obtain options to provide adequate fire protection for the proposed single-family residence.

2015-20 LS – 2739 "C" Avenue – Overhead



Site Photos – 2739 “C” Avenue – 2015-20 LS



Looking south at the “C” Avenue cul-de-sac (south of East 27th Street)



Looking south from cul-de-sac towards driveway of 2739 “C” Avenue (left of photo)



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF
ONE LOT INTO TWO AT 2739 "C" AVENUE WITH AN EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE.
CASE FILE NO.: 2015-20 LS
APN: 562-122-22

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, February 8th, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Sapient Properties, LLC)

The property is a 12,000 square-foot lot located on "C" Avenue south of 27th Street. The applicant proposes to subdivide the existing lot into two parcels. The existing home would remain. Access to the proposed lot would be from an existing easement from "C" Avenue. The applicant plans to build a single-family residence on the new lot.

Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **February 8th, 2016**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

A handwritten signature in blue ink, appearing to read "Brad Raulston".

For BRAD RAULSTON
Executive Director



NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2015-20 LS

Project Location: 2739 "C" Avenue, National City, CA 91950

Lead Agency: City of National City

Contact Person: Michael Fellows

Telephone Number: (619) 336-4315

Description of Nature, Purpose and Beneficiaries of Project:

Tentative Parcel Map to subdivide an existing 12,000 square-foot lot into two lots. There is an existing single-family home that will remain. No construction is proposed as part of this project.

Applicant:
Sapient Properties, Inc.
2375 Jefferson Street
Carlsbad, CA 92008

Telephone Number:
(760) 450-6153

Exempt Status:

☒ **Categorical Exemption – Section 15315 (Minor Land Divisions)**

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The project is a minor land division within the city limits of National City, an urbanized area. The 12,000 square-foot property has been disturbed previously and has no value as habitat. The division fulfills the General Plan's intent for this land use designation with regard to residential density and infill of vacant or underutilized properties.

Date:

MICHAEL FELLOWS
Assistant Planner

RESOLUTION 2016-01

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A TENTATIVE PARCEL MAP FOR THE SUBDIVISION
OF ONE LOT INTO TWO AT 2739 "C" AVENUE WITH
AN EXCEPTION FOR LESS THAN REQUIRED STREET FRONTAGE.
APPLICANT: SAPIENT PROVIDENCE, LLC.
CASE FILE NO. 2015-20 LS
APN: 562-122-22**

WHEREAS, application was made for approval of a Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue on property generally described as:

Parcel 4 of Map No. 8046, in the City of National City, County of San Diego, State of California, filed in the office of the County Recorder November 15, 1978, being a redivision of Lots 11 and 12, Block 3, and Lots 8, 9, and 10, Block 4 of Fairchild and Kimball's Subdivision, according to map thereof No. 9, together with a portion of "C" Avenue closed and 28th Street closed, also alley vacated adjacent to Lots 9 and 10, Block 4.

WHEREAS, the Planning Commission of the City of National City considered a Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue at a duly advertised public hearing held on February 8, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-20 LS, which is maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the Planning Commission has analyzed the project pursuant to the California Environmental Quality Act (CEQA), and determined that the activity in question is exempt from CEQA under 14 Cal. Code Regs. Section 15315 (Minor Land Divisions); and

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at public hearing held on February 8, 2016, support the following findings:

FINDINGS FOR APPROVAL OF THE TENTATIVE PARCEL MAP

1. The proposed map is consistent with the National City General Plan and applicable specific plans, because the proposed single-family subdivision, at a density of 7.26 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, that infill development is encouraged by Land Use Policy 4.3, and because there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, because one additional single-family house can be located on a level building pad on the site with a minor amount of grading while still meeting all applicable design standards.
3. The site is physically suitable for the proposed density of development, because the proposed new lot can accommodate a single family residence with suitable yard areas and still meet prescribed recommended density for the area.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because no natural habitat or bodies of water are present nearby or on-site, and because the site is mostly surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, because all necessary public services will be provided, as required for construction approval.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, because access to sewer, water, and drainage utilities will be maintained as required by all applicable easements.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6, proof of which is required as part of required sewer permits for any future construction.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the

public service needs of the residents and available fiscal and environmental resources.

9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

FINDINGS FOR APPROVAL OF THE EXCEPTION FOR LESS THAN REQUIRED STREET FRONTAGE

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, because the property is isolated from public streets and is only accessed from an easement from "C" Avenue.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, because adequate access will be provided for both lots to "C" Avenue via the existing easement and via the proposed easement across Parcel 1.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, because the proposal will create an additional homeownership opportunity per Land Use Policy 4.3, which the requested exception facilitates, and because the property is not located within any specific plan area.

BE IT FURTHER RESOLVED that the application for the Tentative Parcel Map is approved subject to the following conditions:

General

1. This *Tentative Parcel Map* authorizes the creation of two new parcels from one existing parcel located at 2739 "C" Avenue with an exception for less than required lot frontage. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit B, case file no. 2015-20 LS, dated 11/9/2015. No construction or demolition is approved as part of this approval.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a

Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Parcel Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

1. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes, the National City Municipal Code, and any other applicable state and local codes.

Engineering

2. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information and monumentation.
3. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
4. Separate water and sewer laterals shall be provided to each lot/parcel.
5. The developer shall bond for the monumentation, the public improvements on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to approval of the final map.
6. The creation of an easement for ingress and egress to and from Parcel 2 across Parcel 1 will be required. The easement shall be created on the final map.
7. National Pollutant Discharge Elimination System check list shall be submitted and approved.
8. The final map shall be recorded prior to issuance of any building permit.
9. All new property line survey monuments shall be set on private property, unless otherwise approved.
10. The parcel map/final map shall use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearings in terms of the system. The angle of grid divergence from a true meridian and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.

Fire

11. Plans are to be designed, fabricated, and installed to code.
12. Project to be in compliance with the current editions of NFPA, CFC, Title 19, and local City of National City Municipal Codes.
13. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Alternative options must be approved by the Fire Department.
14. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. All turns available for fire access and travel, shall maintain a minimum of a 28 foot radius. All Fire Department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
15. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
16. All contractors shall possess a National City new business license prior to Fire Department plan submittal. A copy of the business license will be required at time of plan submittal.
17. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus (15% Grade).
18. Where required by the fire code official approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.
19. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Sweetwater Authority

20. The TPM needs to show the existing water meters to the surrounding and subject parcels.

21. The TPM does not show a future water meter location to service proposed Parcel 2. Please indicate where the water meter will be placed. Please note that water facilities cannot be located within three (3) feet of the edge of driveway aprons and a separation of ten (10) feet is required between sewer and water laterals. If the water meter is to be placed within public right-of-way, the Owner is required to provide the Authority with a written request for a Remote Water Service prior to Parcel Map recordation for approval by the Authority's Governing Board. The Authority fee for such a request is \$650.
22. This property is most likely encumbered by an Authority blanket easement. The Authority recommends that the Owner quitclaim the easement prior to Parcel Map recordation. By quitclaiming the easement, both parcel titles will be free of the easement blanket encumbrance, and the Letter of Omission requirements will be eliminated. Quitclaims require approval of the Authority's Governing Board. The Authority fee for such a request is \$700. If the Owner does not choose to quitclaim the blanket easement, the Owner must submit a written request to the Authority for a Letter of Omissions.
23. The parcel is located in a section of the Authority's service area that is served by 6-inch water main on "C" Avenue and an 8-inch water main on "D" Avenue with the closest fire hydrant located at the northwest corner of "C" Avenue and East 27th Street. The Authority may not be able to provide fire flow as required by the National City Fire Department. It is highly recommended that the owner consult with the Fire Department to obtain options to provide adequate fire protection for the proposed single-family residence.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant.

BE IT FURTHER RESOLVED that this resolution shall become effective and final upon adoption, unless appealed pursuant to Section 17.04.050 of the Subdivision Ordinance of the City of National City

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 8, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT YI SUSHI RESTAURANT TO BE LOCATED AT 1430 EAST PLAZA BLVD., SUITE E-7B.

Case File No.: 2015-21 CUP

Location: South side of Plaza Blvd and east of "L" Ave in Bay Plaza

Assessor's Parcel No.: 557-322-14

Staff report by: Martin Reeder – Principal Planner

Applicant: Cheung Sushi Corporation

Property owner: ROIC California, LLC

**Combined General Plan/
Zoning designation:** MXD-2 (Major Mixed-Use District)

Adjacent land use/zoning:

North: Commercial across Plaza Blvd. / MXD-2

East: Residential use (separated by grade) / RS-2

South: Commercial uses within Bay Plaza / MXD-2

West: Commercial (South Bay Plaza) across 'L' Ave. / MXD-2

Environmental review: Not a project per CEQA

Staff Recommendation: Approve based on attached findings and subject to attached Conditions of Approval

BACKGROUND

Yi Sushi has applied for a Conditional Use Permit (CUP) to sell beer and wine as an accessory use to a proposed restaurant. Alcohol sales hours would be from 9 a.m. to 11 p.m. daily. A Type 41 (On-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is a 1,504 square-foot suite within Bay Plaza, located at 1430 E. Plaza Blvd., in the Major Mixed-Use District (MXD-2) zone. The area is mostly adjacent to other commercial uses including Plaza Village Center to the north across Plaza Blvd., and South Bay Plaza Shopping Center to the east across "N" Avenue. Single-family residential uses are located to the east in the Small Lot Residential (RS-2) zone, atop a large embankment.

Proposed Use

The applicant is proposing to open a new sushi restaurant in an existing 1,504 square-foot commercial suite. The floor plan provided with this application shows 29 seats, 6 of which would be at a sushi counter. The applicant wishes to sell beer and wine in the restaurant, which requires a Conditional Use Permit (CUP). Alcohol would be delivered to the table upon request. Proposed operations and alcohol sales hours are 9:00 a.m. to 11:00 p.m. daily. No live entertainment is proposed. The business would be the second outlet in San Diego County, with the other being located in El Cajon.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications, as was done in this case; 559 people were notified by mail of this public hearing.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, December 23, 2015 at 5:30 pm at the subject restaurant. The meeting advertisement is attached. According to the applicant, no-one appeared for the community meeting.

Distance Requirements – Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, restaurants with greater than 30% of their area devoted to seating (which applies in this case) are exempt from these distance requirements. There are no schools within 660 feet. The nearest school is Central Elementary School, which is located approximately a half-mile away.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Major Mixed-Use District zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected. Access to and from the site is provided by Plaza Blvd., an arterial street operating at a Level of Service (LOS) of B. The current Average Daily Trip (ADT) capacity of Plaza Blvd. is 40,000 with a current ADT of 17,300; therefore, it is not expected that alcohol sales would result in an increase in ADT such that the LOS would be affected.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to a restaurant use, which will be located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be compatible with other nearby businesses that also sell alcohol as an accessory use. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is identical to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

In this case the alcohol sales will contribute to the viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone. Alcohol sales would add to the convenience of the consumer, in that there would be additional dining options available where alcohol is sold.

There are also three findings for denial based on the high crime designation and the amount of existing on-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location

Per ABC, there are currently twelve on-sale permits issued in this census tract (117). These permits are:

| Name | Address | License Type* | CUP |
|--------------------------|----------------------------|---------------|-----|
| Royal Mandarin | 1132 E. Plaza Blvd. | 41 | Y |
| Golden Chopsticks | 1430 E. Plaza Blvd. | 41 | Y |
| VFW Post 4630 | 1401 Highland Ave. | 52 | - |
| Chuck E Cheese | 1143 Highland Ave | 41 | Y |
| Karina's | 1705 Highland Ave. | 41 | Y |
| Panda Palace | 1105 E. Plaza Blvd. | 41 | Y |
| Ginza Sushi | 925 E. Plaza Blvd. | 41 | Y |
| Lai Thai | 1430 E. Plaza Blvd. | 41 | Y |
| American Legion Post 255 | 35 E. 18 th St. | 52 | - |
| Wingstop | 932 Highland Ave | 41 | Y |
| Café La Maze | 1441 Highland Ave. | 47 | - |
| Grill House at Big Ben | 106 E. 8 th St. | 41 | Y |

* Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place

Type 47 - On-Sale General for Bona Fide Public Eating Place

Type 52 - Veterans' Club

Of the twelve licenses, ten are restaurants and two are private licenses (VFW and American Foreign Legion). The subject use is consistent with other on-sale businesses, all of which are consistent with the MXD-2 zone. Two of the restaurants are in the same part of Bay Plaza (Lai Thai and Golden Chopsticks).

Census tract 117 includes the area of the City between East 8th and 18th Street, and between National City Blvd. and Palm Avenue. The attached census tract map shows the location of the subject tract. ABC recommends a total of eight on-sale alcohol permits be issued in this census tract, where twelve exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 21) had a most recent (January to August 2015) crime rate of 420.9%, above the 120% considered to be a high crime area. Crimes are categorized as either Part I or Part II crimes. Part I crimes are serious crimes such as homicide, robbery, assault, burglary, vehicle theft, etc. Part II crimes are less serious in nature and less commonly reported. Part II crimes include simple assault, embezzlement, narcotics, and weapons charges (among others). There is generally no specific crime reporting for alcohol-related occurrences. Alcohol is typically just referenced as a contributing factor to a particular crime (robbery, assault, etc.).

Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, the proposed business received 15 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS made mention of the license over-concentration in the census tract and encouraged that staff and management attend Responsible Beverage Sales and Service training. The training is included as a Condition of Approval.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone. The proposed use would be accessory to a restaurant use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. The addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the business is located is over-concentrated

with regard to on-sale alcohol licenses, the proposed business would be a family restaurant where alcohol will only be available with the sale of food.

OPTIONS

1. Approve 2015-21 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-21 CUP based on attached findings and/or findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Applicant's Plans (Exhibit A, case file no. 2015-21 CUP, dated 9/1/2015)
5. Community meeting advertisement
6. Police Department and Institute for Public Strategies comments
7. Census Tract Map and Police Beat Map
8. Public Hearing Notice (Sent to 559 property owners and occupants)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2015-21 CUP, 1430 Plaza Blvd. #E7-B

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. Furthermore, the property is not within a Specific Plan area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to a proposed restaurant use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on Plaza Blvd. based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to a proposed restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone,

which would add to the convenience of the consumer, in that there would be additional dining options available where alcohol is sold.

8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2015-21 CUP, 1430 Plaza Blvd. #E7-B

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets – twelve on-sale outlets are permitted where eight are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because twelve other on-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-21 CUP, 1430 Plaza Blvd. #E7-B

General

1. This *Conditional Use Permit* authorizes the sale of beer at a restaurant to be located at 1430 Plaza Blvd. #E7-B. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2015-21 CUP, dated 9/1/2015.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 9:00 a.m. and 11:00 p.m. daily.
7. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be

necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.

9. Alcohol shall be available only in conjunction with the purchase of food.
10. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

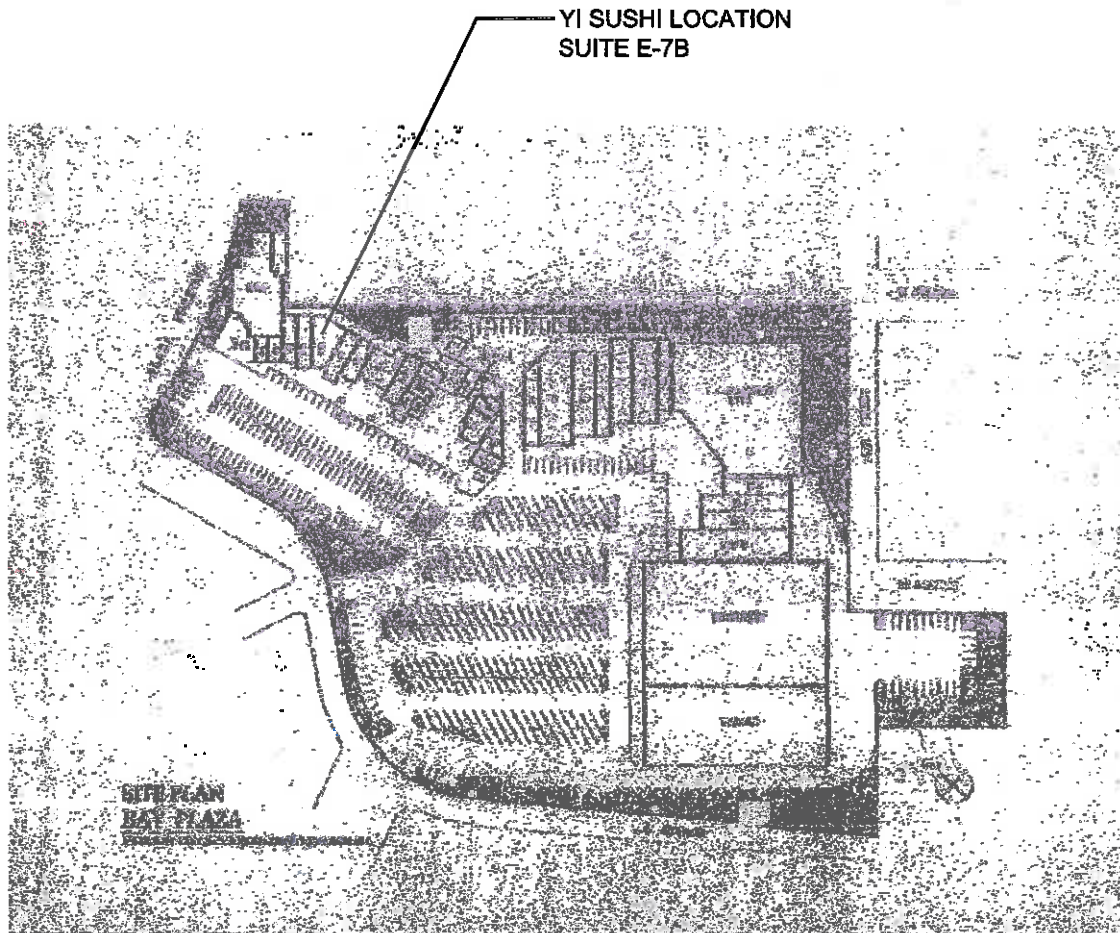
Police

11. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2015-21 CUP – Yi Sushi (beer and wine) – Overhead



EXHIBIT: A
CASE FILE NO.: 2015-21 CUP
DATE: 9/11/15



SITE PLAN



NORTH

SCALE:

NO SCALE

DC CAD, Inc.
Drafting and Design Services

7422 Batista Street
San Diego, California, 92111
858.279.5231 Fax 858.279.1108

YI SUSHI
CONDITIONAL USE PERMIT
1430 E. PLAZA BLVD., SUITE E-7B
NATIONAL CITY, CA 91950

PROJECT NO.
15329

DWG. NO.

CUP-05

DATE ISSUED:
08.10.2015



FRONT (SOUTHWEST) ELEVATION

SCALE:

NO SCALE

DC CAD, Inc.
Drafting and Design Services

7422 Batista Street
San Diego, California, 92111
858.279.5231 Fax 858.279.1108

YI SUSHI
CONDITIONAL USE PERMIT
1430 E. PLAZA BLVD., SUITE E-7B
NATIONAL CITY, CA 91950

PROJECT NO.
15329

DWG. NO.

CUP-06

DATE ISSUED:
08.10.2015



1430 E. plaza blvd, suite e-7B
National City, CA 91950

Telephone: (858)-335-0818

Dear Our Neighbors

Yi Sushi would like to announce that we will open our new Sushi restaurant at
1430 E. plaza blvd, suite e-7B
National City, CA 91950

For complying to National city requirement of CUP (Condition Use Permit), we are sending you this letter to notify our neighbors for purpose of Yi Sushi Restaurant would like to apply for beer and wine license. Therefore we are holding a public meeting on **Wednesday Dec 23 of 2015** from **5:30 pm – 6:30 pm** at the same location above

If you have any concern or if you have any questions regarding to our new restaurant, please contact us at (858)-335-0818 or you can come to above meeting, we will try our best to answer any questions that you may have

Best Regards

Hui Yin Cheung



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 09/10/15

BUSINESS NAME: Yi Sushi

ADDRESS: 1430 East Plaza Blvd. #E-7B, National City, CA 91950

OWNER NAME: Cheung Sushi Corp DOB: N/A

OWNER ADDRESS: 1430 East Plaza Blvd. #E-7B, National City, CA 91950

(add additional owners on page 2)

I. Type of Business

- ☒ Restaurant (1 pt)
☐ Market (2 pts)
☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
☒ Close by 10pm (2 pts)
☐ Close after 10pm (3 pts)

III. Entertainment

- ☒ Music (1 pt)
☐ Live Music (2 pts)
☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
☐ Medium (2 pts)
☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

Notes:

Crime Rate - over 120%

Census Tract - 117

Allowed Type - (8) On-sale
(4) Off-sale

Current Licenses - (12) On-sale
(8) Off-sale

Oversaturated Census Tract

VI. Calls for Service at Location (for previous 6 months)

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ☐ Mostly commercial businesses (1 pt)
☒ Some businesses, some residential (2 pts)
☐ Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 15

VIII. Owner(s) records check

- ☒ No criminal incidents (0 pts)
☐ Minor criminal incidents (2 pts)
☐ Multiple/Major criminal incidents (3 pts)

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.
- (8) On-sale licenses are allowed, census tract 219 - currently have (12) On-sale
- (4) Off-sale licenses are allowed, census tract 219 - currently (8) Off-Sale
- High crime area - This Census Tract encompasses all four police beats (service areas)
- Beat 20 - 409.9%; Beat 21 - 420.9%; Beat 23 - 329.9% and Beat 24 - 237.5%
- License oversaturation and above the crime rate per service area.
- Per ABC a high crime rate is above 120% average based on an ABC equation.

Completed by: Graham Young, Lt Badge ID: 365



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 2,924

Total Beat: 14

Average Total per Beat: 208.9

(120% or above is High Crime Area indicated by *)

| | Beat | Totals | % Average by Beat |
|----|------|--------|-------------------|
| 1 | 011 | 0 | 0.0% |
| 2 | 014 | 0 | 0.0% |
| 3 | 020 | 856 | 409.8%* |
| 4 | 021 | 879 | 420.9%* |
| 5 | 023 | 689 | 329.9%* |
| 6 | 024 | 496 | 237.5%* |
| 7 | 434 | 0 | 0.0% |
| 8 | 441 | 0 | 0.0% |
| 9 | 514 | 0 | 0.0% |
| 10 | 521 | 0 | 0.0% |
| 11 | 722 | 0 | 0.0% |
| 12 | 999 | 4 | 1.9% |



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 020

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 4 |
| ROBBERY | 31 |
| AGGRAVATED ASSAULT | 20 |
| BURGLARY | 22 |
| LARCENY | 219 |
| MOTOR VEHICLE THEFT | 40 |
| Total Part I Crime: | 336 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 10 |
| OTHER PART II CRIMES | 292 |
| CHILD AND FAMILY | 8 |
| DEADLY WEAPONS | 9 |
| EMBEZZLEMENT | 3 |
| FRAUD | 7 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 4 |
| NARCOTICS | 118 |
| SEX CRIMES | 8 |
| FORGERY | 1 |
| OTHER NON-CRIMINAL | 60 |
| Total Part II Arrest: | 520 |

Beat Total = Part I Crime + Part II Arrest: 856
BeatAve. (Agency / Beat): 208.9
Agency Wide Total = Part I Crime + Part II Arrest: 2,924
Beat Total as % of Beat Average: : 409.8%
(120% is considered high crime area)



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 021

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 3 |
| ROBBERY | 31 |
| AGGRAVATED ASSAULT | 50 |
| BURGLARY | 51 |
| LARCENY | 157 |
| MOTOR VEHICLE THEFT | 60 |
| Total Part I Crime: | 352 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 14 |
| OTHER PART II CRIMES | 347 |
| CHILD AND FAMILY | 14 |
| DEADLY WEAPONS | 5 |
| EMBEZZLEMENT | 0 |
| FRAUD | 11 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 2 |
| NARCOTICS | 90 |
| SEX CRIMES | 7 |
| FORGERY | 0 |
| OTHER NON-CRIMINAL | 37 |
| Total Part II Arrest: | 527 |

Beat Total = Part I Crime + Part II Arrest: 879

BeatAve. (Agency / Beat): 208.9

Agency Wide Total = Part I Crime + Part II Arrest: 2,924

Beat Total as % of Beat Average: : 420.9%

(120% is considered high crime area)



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 023

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 4 |
| ROBBERY | 31 |
| AGGRAVATED ASSAULT | 36 |
| BURGLARY | 36 |
| LARCENY | 231 |
| MOTOR VEHICLE THEFT | 45 |
| Total Part I Crime: | 383 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 8 |
| OTHER PART II CRIMES | 191 |
| CHILD AND FAMILY | 5 |
| DEADLY WEAPONS | 4 |
| EMBEZZLEMENT | 1 |
| FRAUD | 1 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 2 |
| NARCOTICS | 61 |
| SEX CRIMES | 1 |
| FORGERY | 0 |
| OTHER NON-CRIMINAL | 32 |
| Total Part II Arrest: | 306 |

Beat Total = Part I Crime + Part II Arrest: 689

BeatAve. (Agency / Beat): 208.9

Agency Wide Total = Part I Crime + Part II Arrest: 2,924

Beat Total as % of Beat Average: : 329.9%

(120% is considered high crime area)



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 024

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 2 |
| ROBBERY | 9 |
| AGGRAVATED ASSAULT | 29 |
| BURGLARY | 17 |
| LARCENY | 52 |
| MOTOR VEHICLE THEFT | 43 |
| Total Part I Crime: | 152 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 6 |
| OTHER PART II CRIMES | 251 |
| CHILD AND FAMILY | 7 |
| DEADLY WEAPONS | 5 |
| EMBEZZLEMENT | 4 |
| FRAUD | 4 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 3 |
| NARCOTICS | 37 |
| SEX CRIMES | 1 |
| FORGERY | 2 |
| OTHER NON-CRIMINAL | 24 |
| Total Part II Arrest: | 344 |

Beat Total = Part I Crime + Part II Arrest: 496
BeatAve. (Agency / Beat): 208.9
Agency Wide Total = Part 1 Crime + Part II Arrest: 2,924
Beat Total as % of Beat Average: : 237.5%
(120% is considered high crime area)

(12) ON-SALE

(8) OFF-SALE



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Retail Licenses)
and Census Tract = 117**

Report as of 9/20/2015

| | License Number | Status | License Type | Orig. Iss. Date | Expir. Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|-----|----------------|--------|--------------|-----------------|-------------|--|--|--|----------|
| 1) | 132502 | SUREND | 48 | 2/23/1983 | 2/29/2016 | FRED DEMEO INC 999 NATIONAL CITY BLVD NATIONAL CITY, CA 91950-3203 Census Tract: 0117.00 | TROPHY LOUNGE | 2426 WILBUR AVE SAN DIEGO, CA 92109 | 3708 |
| 2) | 176179 | ACTIVE | 41 | 5/30/1985 | 12/31/2015 | CEC ENTERTAINMENT INC 1143 HIGHLAND AVE NATIONAL CITY, CA 91950 Census Tract: 0117.00 | CHUCK E CHEESES 439 | PO BOX 152077 IRVING, TX 75015-2077 | 3708 |
| 3) | 286176 | ACTIVE | 41 | 7/14/1983 | 6/30/2016 | WOO, MARIO L 1132 E PLAZA BLVD, STES 205 & 208 NATIONAL CITY, CA 91950 Census Tract: 0117.00 | | | 3708 |
| 4) | 323832 | ACTIVE | 21 | 5/6/1997 | 4/30/2016 | FORTUNE COMMERCIAL CORPORATION 1420 E PLAZA BLVD, STE C NATIONAL CITY, CA 91950 Census Tract: 0117.00 | SEAFOOD CITY SUPERMARKET | 2883 SURVEYOR ST POMONA, CA 91768-3251 | 3708 |
| 5) | 373003 | ACTIVE | 21 | 2/5/2001 | 1/31/2016 | BIG BEN MARKET CORP THE 108 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0117.00 | BIG BEN MARKET | | 3708 |
| 6) | 385071 | ACTIVE | 52 | 5/29/2002 | 8/31/2015 | VFW THOMAS H COSBY JR POST 4630 1401 HIGHLAND AVE NATIONAL CITY, CA 91950 Census Tract: 0117.00 | THOMAS H COSBY JR POST 4630 | | 3708 |
| 7) | 393935 | ACTIVE | 41 | 11/13/2002 | 11/30/2015 | GOLDEN CHOPSTICKS CHINESE RESTAURANT LLC 1430 E PLAZA BLVD, E22-23A NATIONAL CITY, CA 91950 Census Tract: 0117.00 | GOLDEN CHOPSTICKS CHINESE RESTAURANT | | 3708 |
| 8) | 400787 | ACTIVE | 20 | 3/10/2004 | 3/30/2015 | WAL MART STORES INC 11200 HIGHLAND AVE NATIONAL CITY, CA 91950-3541 Census Tract: 0117.00 | WAL MART STORE 5023 | 702 SW 8TH ST, DEPT 8916 ATTN: TIM FARRAR BENTONVILLE, AR 72716-8208 | 3708 |
| 9) | 409819 | ACTIVE | 41 | 7/26/2005 | 6/30/2016 | CONTRERAS CUIEL CORP 1705 HIGHLAND AVE NATIONAL CITY, CA 91950 Census Tract: 0117.00 | KARINAS MEXICAN STYLE SEAFOOD EXPRESS | 986 BROADWAY CHULA VISTA, CA 91911 | 3708 |
| 10) | 446671 | ACTIVE | 41 | 12/22/2008 | 11/30/2016 | GINZA CORPORATION 925 E PLAZA BLVD, #G NATIONAL CITY, CA 91950-3549 | GINZA SUSHI | | 3708 |

| | | | | | | | | | | |
|-----|--------|--------|----|--------------------------|------------|--|-----------------------|---------------------------------|---|------|
| | | | | | | | Census Tract: 0117.00 | | | |
| 11) | 456482 | ACTIVE | 21 | 5/20/2008 | 6/30/2016 | SMART & FINAL STORES LLC 1220 E PLAZA BLVD, STE 510 NATIONAL CITY, CA 91950-3610 | Census Tract: 0117.00 | SMART & FINAL 347 | 800 CITADEL DR LOS ANGELES, CA 90040-1562 | 3708 |
| 12) | 475178 | ACTIVE | 41 | 2/17/2009 | 10/31/2015 | RNN INTERNATIONAL INC 1430 E PLAZA BLVD, # E10 11 NATIONAL CITY, CA 91950-3697 | Census Tract: 0117.00 | LAI THAI RESTAURANT | | 3708 |
| 13) | 479720 | ACTIVE | 21 | 11/25/2009 | 10/31/2015 | GARFIELD BEACH CVS LLC 1201 E PLAZA BLVD NATIONAL CITY, CA 91950-3609 | Census Tract: 0117.00 | CVS PHARMACY 9138 | 1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146 | 3708 |
| 14) | 481974 | ACTIVE | 47 | 10/27/2009 | 9/30/2015 | KAPETANIOS, CHRISTOS 1441 HIGHLAND AVE NATIONAL CITY, CA 91950-4623 | Census Tract: 0117.00 | CAFE LA MAZE | | 3708 |
| 15) | 517396 | ACTIVE | 41 | 5/14/2012 3:54:24 PM | 4/30/2016 | BY THE BORDER WINGS INC 932 HIGHLAND AVE NATIONAL CITY, CA 91950 | Census Tract: 0117.00 | WINGSTOP | 860 KIELY BLVD STE 270 SAN JOSE, CA 95129 | 3708 |
| 16) | 528098 | ACTIVE | 20 | 11/15/2013 4:03:29 PM | 6/30/2016 | 7 ELEVEN INC 1539 HIGHLAND AVE NATIONAL CITY, CA 91950-4625 | Census Tract: 0117.00 | 7 ELEVEN #2131-35538 | PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088 | 3708 |
| 17) | 529838 | ACTIVE | 21 | 9/27/2013 1:59:42 PM | 2/29/2016 | TOBIYA, RANI S 916 E 8TH ST, BLDG A STE 9 NATIONAL CITY, CA 91950-2566 | Census Tract: 0117.00 | WILSON LIQUOR | | 3708 |
| 18) | 535856 | ACTIVE | 41 | 10/16/2013 9:22:18 AM | 9/30/2015 | MSW FOODS INC 1105 E PLAZA BLVD, STES D & E NATIONAL CITY, CA 91950 | Census Tract: 0117.00 | PANDA PALACE CHINESE RESTAURANT | | 3708 |
| 19) | 558696 | ACTIVE | 21 | 9/10/2015 9:09:42 AM | 8/31/2016 | DSM RETAIL INC 1535 E 18TH ST NATIONAL CITY, CA 91950-5024 | Census Tract: 0117.00 | BOTTLES & MORE LIQUOR | | 3708 |
| 20) | 57253 | ACTIVE | 52 | 1/1/1994 | 3/31/2016 | LARRY E BENNETT POST 255 THE AMERICAN LEGION DEPAR 35 E 18TH ST NATIONAL CITY, CA 91950 | Census Tract: 0117.00 | LARRY E BENNETT POST 255 | | 3708 |

--- End of Report ---

Environmental Scan for Alcohol License C.U.P.

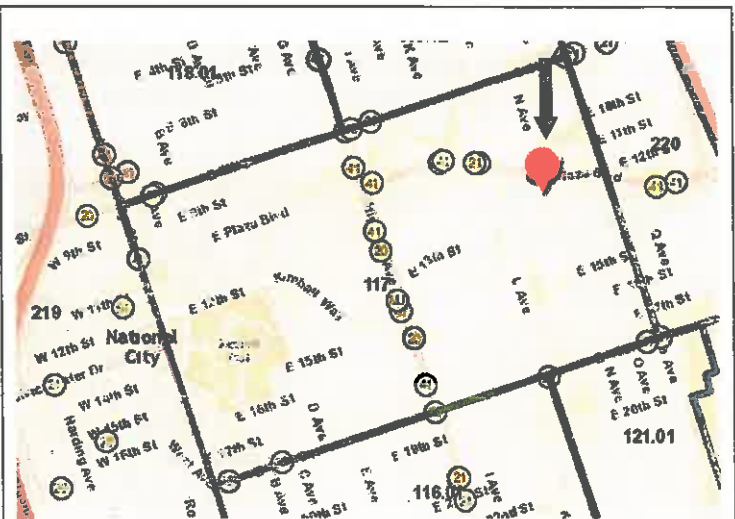
Yi Sushi Restaurant

1430 Plaza Blvd., Suite E-7B National City, CA 91950

September 14, 2015



Photo of Yi Sushi in National City



Google Earth View of 1430 Plaza Blvd., Suite E-7B and Surrounding Area

According to the ABC, six (7) on-site licenses are authorized for Census Tract 117, the census track within the area of which the Y. Sushi Restaurant is located. Currently there are twelve (12) on-sale licenses issued for the Census Tract is 117. This number exceeds the census track allocation by 5.

The business is the Yi Sushi, it will be a restaurant with sales of food from a menu and beverages. During a scan of the business and property the following was noted:

The business is one of several small businesses located in one strip of property, with other businesses, single-family residences, multi-unit housing and hotels in the immediate area.

Youth Sensitive Areas

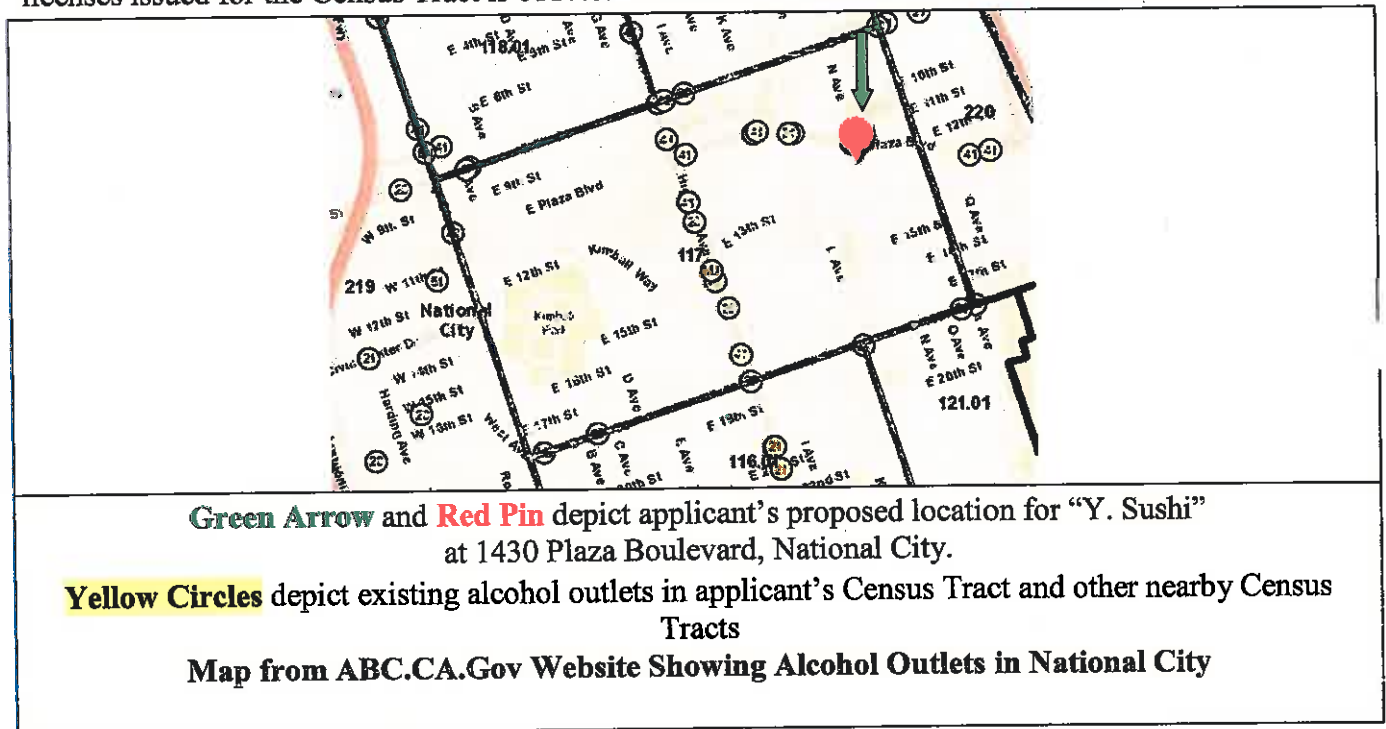
The business is not located near any youth sensitive areas.

Churches

The business is not located near any churches in the area.

Outlet Density

According to the ABC, six (7) on-site licenses are authorized for Census Tract 0117.0, the census track within the area of which the Royal Mandarin Restaurant is located. Currently there are four (12) off-sale licenses issued for the Census Tract is 0117.0. This number exceeds the census track allocation by 5.



Census Tracts

| | Off-Sale | On-Sale |
|---|--|--|
| Tract 117 <i>Establishment is within this tract</i> | Allowed: 4 Actual: 8 Number Above/Below Allowable: +5 | Allowed: 7 Actual: 12 Above/Below: +5 |
| Neighboring Census Tracts | | |
| Census Tract 0118.01 | Allowed: 2 Actual: 2 Number Above/Below Allowable: - | Allowed: 4 Actual: 4 Above/Below: - |
| Census Tract 118.02 | Allowed: 4 Actual: 5 Number Above/Below Allowable: +1 | Allowed: 7 Actual: 7 Above/Below: - |

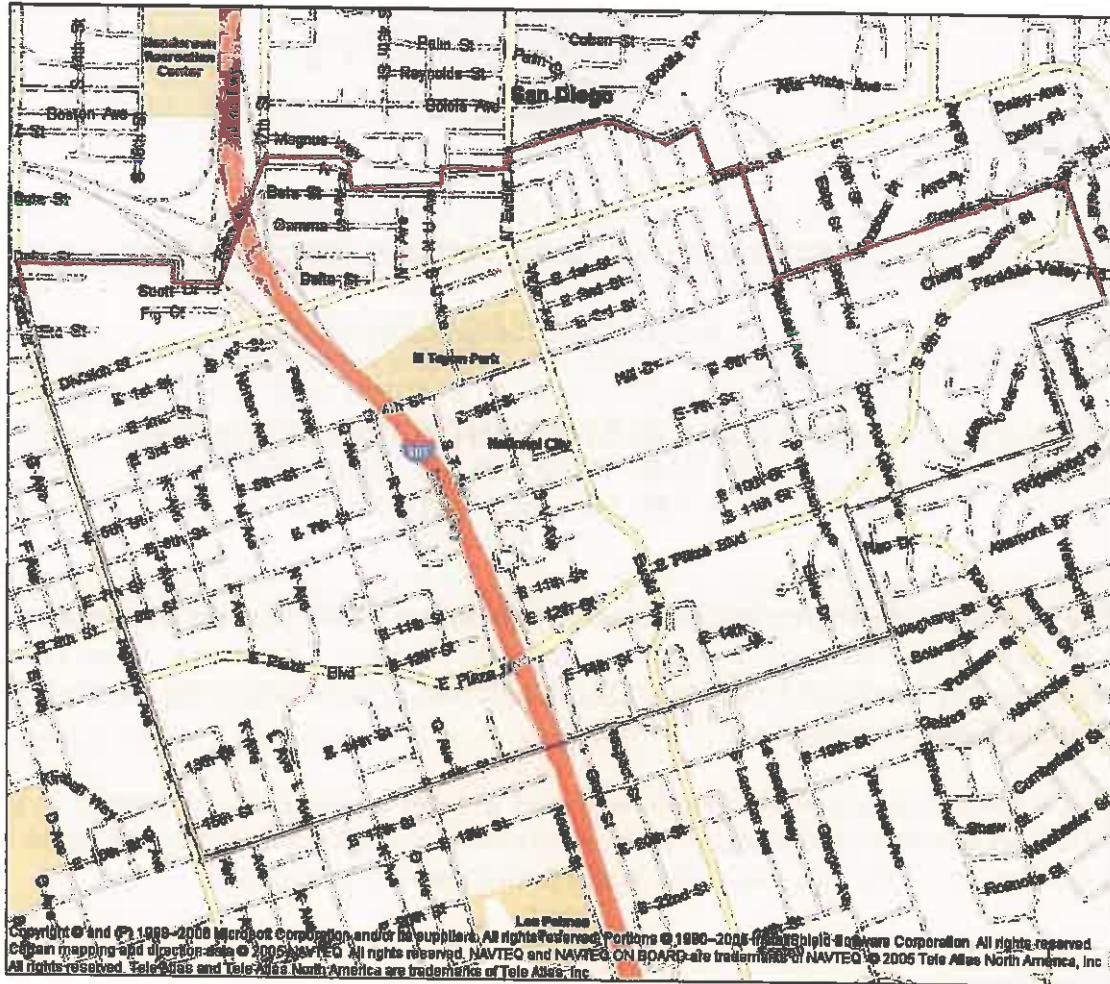
Crime Rate

Please refer to Police Department report.

Considerations

The Crime Rate is unknown for this location. A follow up request for this information from personnel within the City of National City, may result in obtaining the crime rate for this location.

We would recommend that the staff, management, and owner attend the Responsible Beverage Sales and Service training.



City of National City Beat 21

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES
AT YI SUSHI RESTAURANT TO BE LOCATED AT
1430 EAST PLAZA BLVD., SUITE E-7B.
CASE FILE NO.: 2015-21 CUP
APN: 557-322-14

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, February 8, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Cheung Sushi Corporation)

The applicant is proposing to sell beer and wine at a new sushi restaurant in an existing 1,504 square-foot commercial suite. Proposed operations and alcohol sales hours are 9:00 a.m. to 11:00 p.m. daily. No live entertainment is proposed.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **February 8, 2016**, by the Planning Department who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENTS

A handwritten signature in blue ink, appearing to read "Brad Raulston".

KRX BRAD RAULSTON
Executive Director

RESOLUTION NO. 2016-02

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR BEER AND WINE SALES
AT YI SUSHI RESTAURANT TO BE LOCATED AT
1430 EAST PLAZA BLVD., SUITE E-7B.
CASE FILE NO. 2015-21 CUP
APN: 557-322-14**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at Yi Sushi restaurant to be located at 1430 East Plaza Blvd., suite E-7B at a duly advertised public hearing held on February 8, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-21 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on February 8, 2016, support the following findings:

- 1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone.**
- 2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. Furthermore, the property is not within a Specific Plan area.**

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to a proposed restaurant use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on Plaza Blvd. based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to a proposed restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone, which would add to the convenience of the consumer, in that there would be additional dining options available where alcohol is sold.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes the sale of beer at a restaurant to be located at 1430 Plaza Blvd. #E7-B. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2015-21 CUP, dated 9/1/2015.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.

3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 9:00 a.m. and 11:00 p.m. daily.
 7. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
 8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
-
9. Alcohol shall be available only in conjunction with the purchase of food.
 10. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

11. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 8, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR BEER AND WINE
SALES AT GAMA PRODUCE LOCATED AT 1605
EAST 4TH STREET.

Case File No.: 2015-28 CUP

Property Location: Northeast corner of Palm Avenue and East 4th Street

Assessor's Parcel No.: 554-050-19

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Susana Maza

Property owner: Stephen Reynolds

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent land use/zoning:

North: California Army National Guard Armory / I (Institutional)

East: California Army National Guard Armory / I (Institutional)

South: Residential & Commercial use across East 4th Street /
MXC-1

West: Vacant commercial building / MXC-1

Environmental review: Not a project per CEQA

Staff Recommendation: Approve based on attached findings and subject to
attached Conditions of Approval

BACKGROUND

Gama Produce has applied for a Conditional Use Permit (CUP) to sell beer and wine for off-site consumption. The market has been in operation since the year 2000. Hours of operation of the market are 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. A Type 20 (Off-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is Gama Produce, a neighborhood market at the northeast corner of East 4th Street and Palm Avenue in the Minor Mixed-Use Corridor (MXC-1) zone. The existing market is approximately 2,800 square feet in size and has a 13-space parking lot. The property is located south and west of the California Army National Guard Armory. Gama Produce has been in business at this location since 2000.

Proposed Use

The applicant is requesting to sell beer and wine for off-site consumption between the current operating hours of 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. Beer and wine would be stored in a cooler located in the rear of the store.

Analysis

Section 18.30.050 of the National City Land Use Code allows for off-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications, as was done in this case. 356 people were notified by mail of this public hearing.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, January 4, 2016 at 5:00 p.m. at the National City Chamber of Commerce. The applicant has stated that four people were in attendance. A copy of the advertisement, sign-in sheet, and minutes are attached.

Distance Requirements – Chapter 18.030.050 (D) requires that businesses that sell alcohol as a principal use maintain a 660-foot distance from schools. However, sales of alcohol in this case would be accessory to a market, and would thus not be subject to this requirement. The nearest school is El Toyon Elementary School, which is located over 800 feet away and is east of Interstate 805.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Minor Mixed-Use Corridor zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing market, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of other products, no measurable increase in traffic is expected. Access to and from the site is provided by Palm Avenue and East 4th Street, both collector streets. Palm Avenue north of 4th currently operates at a Level of Service (LOS) of F, while the street south of 4th has a LOS of E. East 4th Street in this location is operating at a LOS of D. Both streets are operating at or above capacity, hence the poor levels of service. However, the sale of alcohol is not expected to result in an increase in Average Daily Trips (ADT) such that the LOS would be affected, particularly as the area devoted to alcohol sales is minimal.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to the existing market use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone.

In this case the alcohol sales will contribute to the viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.

There are also three findings for denial based on the high crime designation and amount of existing off-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per ABC, there are currently four off-sale permits issued in the subject census tract (220). These permits are:

| Name | Address | License Type* | CUP |
|----------------------|-----------------------------------|----------------------|------------|
| Kings Liquor | 1626 East 8 th Street | 21 | - |
| 7-Eleven | 1601 East 18 th Street | 20 | - |
| Carnival Supermarket | 1750 East 8 th Street | 21 | - |
| National City Shell | 1601 East 8 th Street | 20 | Y |

* Type 20 – Off-Sale Beer and Wine
Type 21 - Off-Sale General

Of the four licenses, three are markets/liquor stores and one a gas station. The subject use is consistent with other off-sale businesses, all of which are consistent with the Mixed-Use zones.

Census tract 220 includes the area of between Palm Avenue and Interstate 805, and between Division Street and East 18th Street. The attached census tract map shows the location of the subject tract. ABC recommends a total of two off-sale alcohol permits be issued in this census tract, where four exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 21) had a current (January to August 2015) crime rate of 413.8%, above the 120% considered to be a high crime area. Crimes are categorized as either Part I or Part II crimes. Part I crimes are serious crimes such as homicide, robbery, assault, burglary, vehicle theft, etc. Part II crimes are less serious in nature and less commonly reported. Part II crimes include simple assault, embezzlement, narcotics, and weapons charges (among others). There is generally no specific crime reporting for alcohol-related occurrences. Alcohol is typically just referenced as a contributing factor to a particular crime (robbery, assault, etc.).

Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Gama Produce received 15 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS encouraged that staff and management attend Responsible Beverage Sales and Service training. The training is included as a Condition of Approval.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to off-sale alcohol sales per Council policy 707 (container size, no single sales, signage, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone. The proposed use would be accessory to the existing market use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. Gama Produce has been in business at this location since 2000. Furthermore, the addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the market is located is over-concentrated with regard to off-sale alcohol licenses, the subject location is a produce market where alcohol will be small portion of overall sales.

OPTIONS

1. Approve 2015-28 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-28 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015)
6. Community meeting advertisement, sign-in sheet, and minutes
7. Police Department and Institute for Public Strategies comments
8. Census Tract Map and Police Beat Map
9. Public Hearing Notice (Sent to 356 property owners and occupants)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2015-28 CUP, 1605 East 4th Street

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing market use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on East 4th Street or Palm Avenue based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing market use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other ~~businesses in the same census tract; and because the proposed use will be~~ subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no

other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.

7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2015-28 CUP, 1605 East 4th Street

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – four off-sale outlets are permitted where two are recommended by the California Department of Alcoholic Beverage Control. – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because four other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-28 CUP, 1605 East 4th Street

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine at an existing market located at 1605 East 4th Street. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

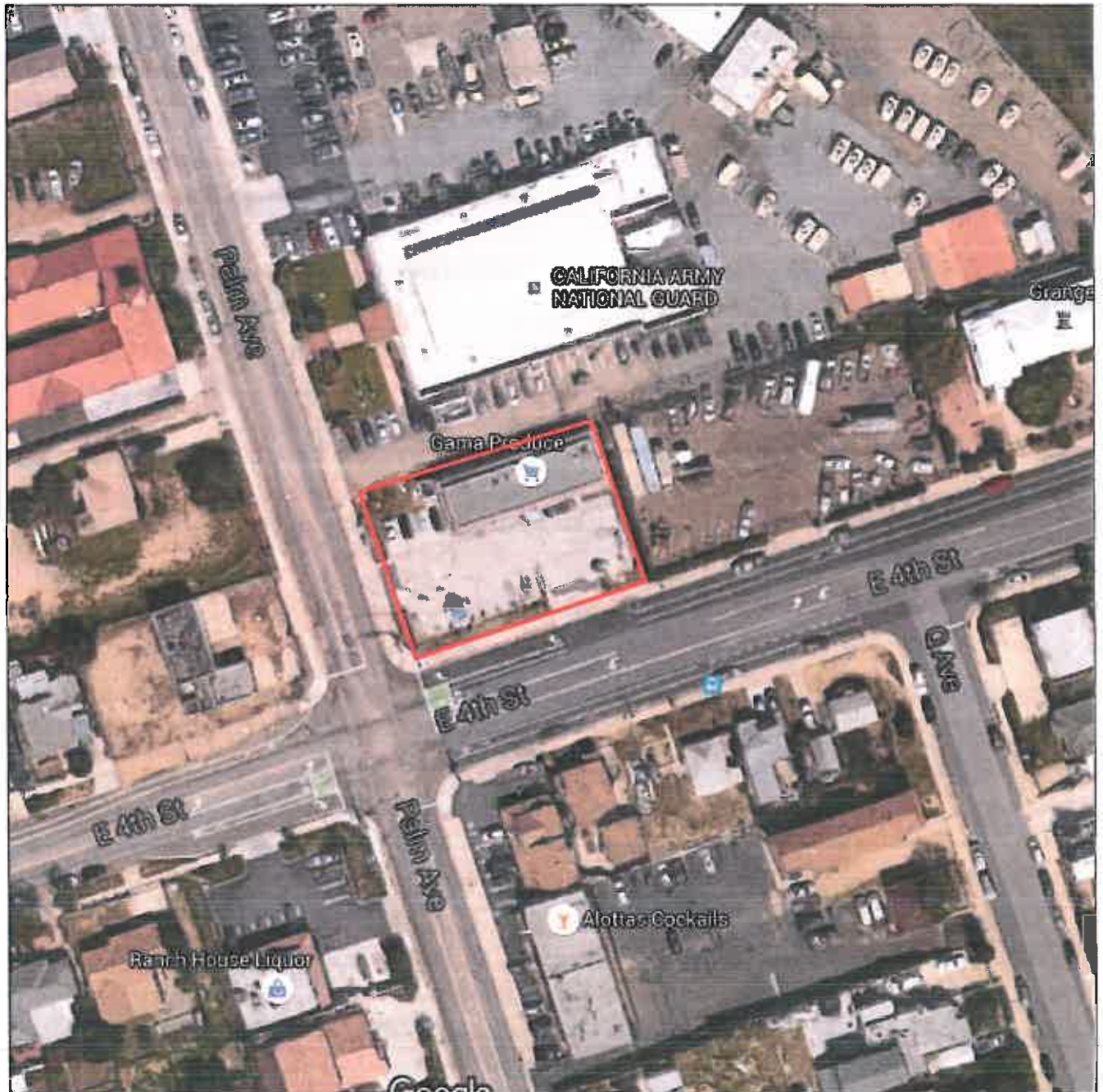
6. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
7. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
8. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.

9. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
10. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
11. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
12. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
13. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
14. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
15. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

Police

17. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2015-28 CUP – Gama Produce (beer and wine) – Overhead



2015-28 CUP – Gama Produce (beer and wine) – Site Photos



Interior of market from entrance



Cooler where alcohol will be displayed

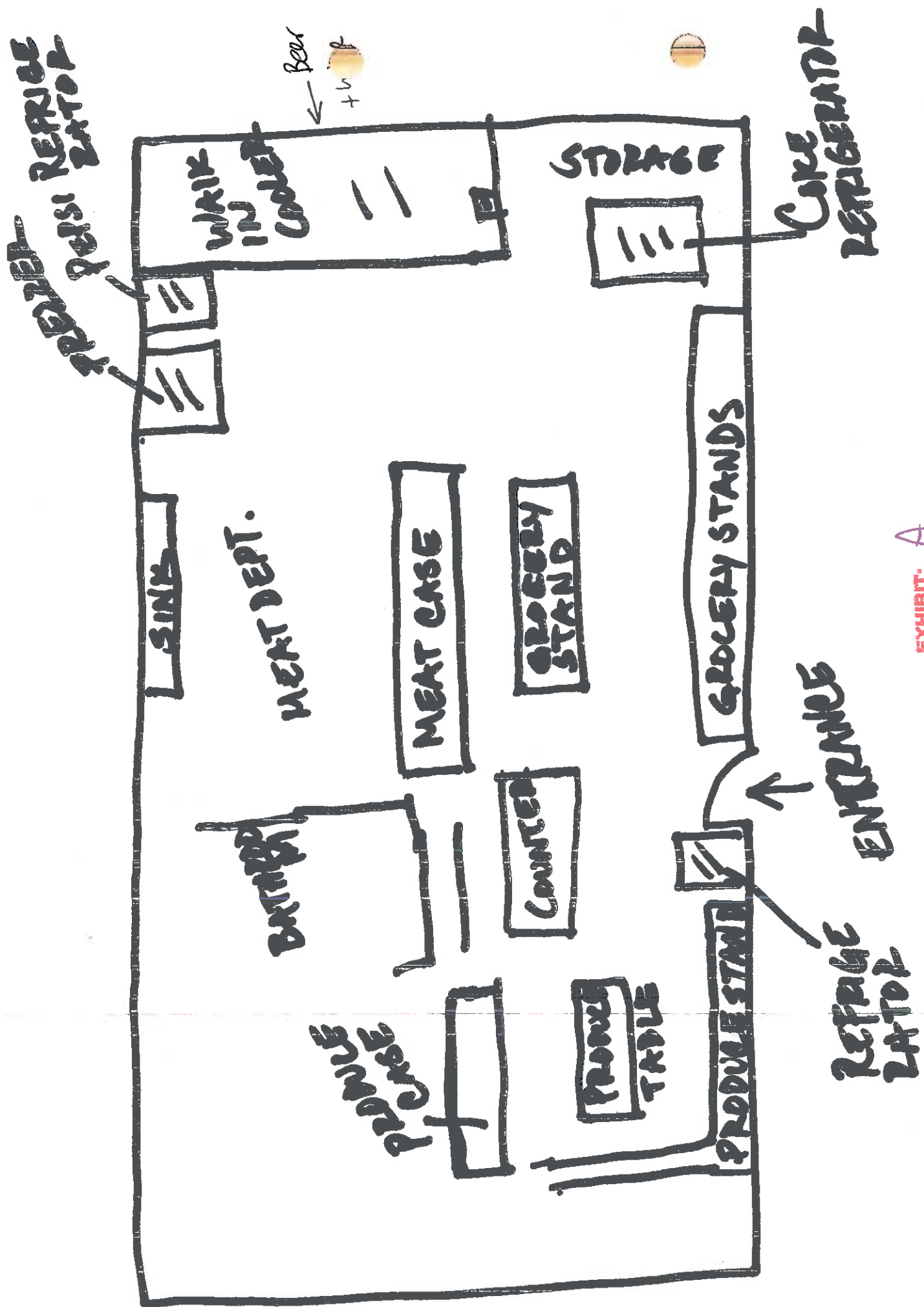


EXHIBIT: A
CASE FILE NO.: 2015-28 CUP
DATE: 11/18/2015



GAMA PRODUCE

619-477-2374

Dear community member,

Gama Produce has recently applied for a beer and wine sales license in National City. It's my hope to serve the community even more as the best priced, fresh produce and every day item store in National City with this addition. The community is very important to me and I want to hear what you have to say as well as answer questions or concerns. To do this, we will hold a community meeting to discuss our C.U.P. License to sell beer and wine in the store.

The community meeting will take place at:

901 National City Blvd.,

National City, CA 92950

On

Jan 4th, 2016 from 5:00pm to 8:00pm PST.

I will personally be on hand to address any issues or concerns as well as answer any questions regarding the additional license to sell beer and wine at the store. We hope you can attend and meet with us. If you have any questions or issues please visit our website at www.GamaProduce.vpweb.com or contact Susana at GamaProduce@outlook.com

Sincerely,

Susana Maza

Owner

-16-

Gama Produce Community Meeting minutes

January 4, 2016

Begin: 5:00 p.m.

Welcome and thanks for coming to the meeting.

Description of request and operation.

Questions about products sold and hours of operations.

End: 5:35 p.m.



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 12/03/15

BUSINESS NAME: Gama Produce

ADDRESS: 1606 East 4th Street, National City, CA 91950

OWNER NAME: Carlos & Susana Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

(add additional owners on page 2)

I. Type of Business

- ☐ Restaurant (1 pt)
☒ Market (2 pts)
☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
☒ Close by 10pm (2 pts)
☐ Close after 10pm (3 pts)

III. Entertainment

- ☐ Music (1 pt)
☐ Live Music (2 pts)
☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
☐ Medium (2 pts)
☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

Notes:

Crime Rate - over 120% (413.8%)

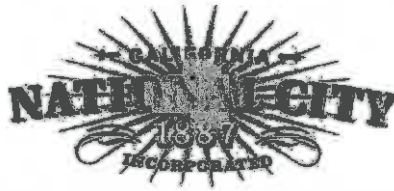
Census Tract - 220

Allowed Type 20 - (Off-sale, Beer & Wine)

Currently allowed On-sale - 5 / Currently have - 3

Currently allowed Off-sale - 2 / Currently have - 4

Over saturation



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

November 19, 2015

FROM: CITY OF NATIONAL CITY PLANNING DEPARTMENT

SUBJECT: Case File No: 2015-28 CUP - Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 E. 4th Street.

This Conditional Use Permit has been submitted to the City for review. The project site is a market (Gama Produce) located at the intersection of Palm Avenue and East 4th Street. The applicant wishes to stock beer and wine in a cooler in the rear of the store. Operating hours of the store are 7:30 a.m. to 8 p.m. Monday to Friday, and 7:30 a.m. to 7 p.m. Saturday and Sunday.

Please submit your comments or recommendations on the proposed project by **December 3, 2015**. It is very important that your comments alert us to any aspects of the proposal which conflict with regulations that your department or agency administers.

If you have no comments regarding the project, please check and sign below, and return this notice and the enclosed plans. If you have any questions about the project, please feel free to contact me at 336-4313. Thank you.

If you have any questions, please contact me at 336-4313. Thank you.

MARTIN REEDER, AICP
Principal Planner

☐

No comments _____

cc: Police Department
Institute for Public Strategies

PROPERTY AND PROJECT DESCRIPTION

1. PROPERTY DESCRIPTION (fill in blanks)

| | Existing | Proposed |
|-------------------------------|----------|----------|
| No. of parcels | _____ | _____ |
| No. of units/suites | _____ | _____ |
| Building/suite square footage | _____ | _____ |
| Parking spaces – covered | _____ | _____ |
| Parking spaces – uncovered | _____ | _____ |

2. PROJECT DESCRIPTION (ideas for description are bulleted below)

- | | | |
|-------------------------------|--|-------------------------------|
| • Purpose of request | • List license/permits required by governmental agencies | • Number of bedrooms |
| • Number of employees | • Live entertainment / karaoke | • Building height |
| • Hours of operation | • Types of alcohol sold on site | • Setbacks |
| • Days of week open to public | • Unit square footages | • Private open space per unit |
| • Neighboring uses | | • Common open space |

Beer/wine permit

Open 9:30 TO 8:00 (M-F).

*Wi
7:30 TO 7:00*

Beer + wine in cooler (walk-in).

INFORMATION AND INSTRUCTIONS

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

MAZA, CARLOS & SUSANA

2. PREMISES ADDRESS (Street number and name, city, zip code)

1605 E 4TH ST NATIONAL CITY CA 91950

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

3,150,178

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

ON SALE - 841

OFF SALE - 1525

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

220.00

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

2

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

4

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

☒ Yes, the number of existing licenses exceeds the number allowed☐ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

☒ Yes (Go to Item #13)☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

220.00 / Beat # 21

14. TOTAL NUMBER OF REPORTING DISTRICTS

4

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

4,728

16. AVERAGE NO. OF OFFENSES PER DISTRICT

1,182

17. 120% OF AVERAGE NUMBER OF OFFENSES

1,182 x 120% = 1418.4

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

1206 OF 102%

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number or reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

SAN DIEGO POLICE DEPARTMENT

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

10/9/2015 CM

ABC-245 (rev. 01-11)

* Crime stats from 2012 - could be different.

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☒ Yes

☐ No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

COMMUNITY TO DECIDE THROUGH PLANNING COMMISSION
BENEFIT TO COMMUNITY.

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

MANUEL RODRIGUEZ CHIEF OF POLICE

619-336-4511

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

10-29-15

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

1350 Front Street, Rm. 5056
San Diego, CA 92101
(619) 525-4064

May 27, 2014

National City Police Department
Attn: Sergeant Graham Young
1200 National City Blvd
National City, CA 91950

Dear Sergeant Young,

An application has been made for a license to sell alcoholic beverages in your jurisdiction:

CARLOS MAZA, SUSANA MAZA
Dbas: Gama Produce
1605 E 4th St., National City, CA 91950
Pending# 20-562983

Type of license applied for: Type 20- Off Sale Beer & Wine

Details of operation: See attached Licensed Premises Diagram form ABC-257 (2 page document).

Our records indicate that the proposed premises is located in Census Tract 0220.00 and in an area that is:

- High Crime-YES
- Over Concentration of Licenses-YES
- Within 100' of Residence(s)- YES
- Within 600' of Schools, Parks, etc...- No (to be confirmed)

Please contact me at the number or email address listed below to discuss this application by or before November 9, 2015.

Sincerely,

Susan Isenman
Licensing Representative
(619) 525-4595
Susan.Isenman@abc.ca.gov

RECEIVED

Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

State of California

SEP 11 2015

Dept. of Alcoholic Beverage Control
 San Diego

1. APPLICANT NAME (Last, first, middle)

Maza, Carlos & Maza, Susana

3. PREMISES ADDRESS (Street number and name, city, zip code)

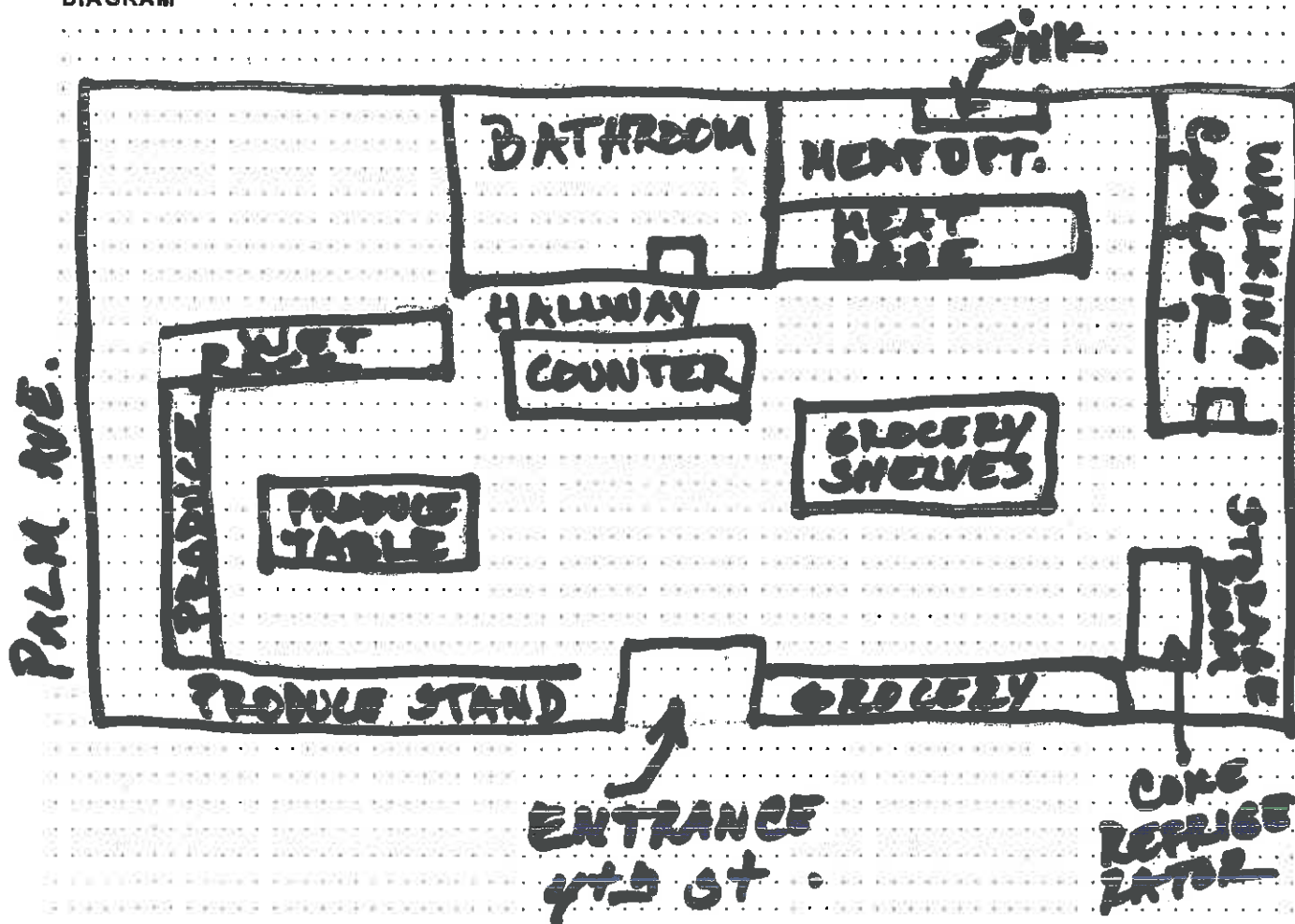
1605 E 4th Street, National City, CA 91950

4. NEAREST CROSS STREET

Palm Avenue

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

9/11/15

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

RECEIVED

SECTION I - FOR ALL RETAIL APPLICANTS

SEP 11 2015

| | |
|--|---|
| 1. APPLICANT NAME(S) Maza, Carlos & Maza, Susana | 2. LICENSE TYPE Dep't of Alcoholic Beverage Control San Diego |
| 3. PREMISES ADDRESS (Street number and name, city, zip code) 1605 E 4th Street, National City, CA 91950 | 4. NEAREST CROSS STREET |

5. TYPE OF BUSINESS (Choose one that best describes the planned operation)

| | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Cafeteria/Hofbrau | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Wine Tasting Room | |
| <input checked="" type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Variety/Drug Store | <input type="checkbox"/> Gift Shop/Florist | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

| | | |
|--------------------------|--|---|
| 6. PATRON CAPACITY 50 | 7. SURROUNDING AREA <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Other <input type="checkbox"/> Rural <input type="checkbox"/> Industrial | 8. PREMISES IS LOCATED IN <input checked="" type="checkbox"/> Free Standing Building <input type="checkbox"/> Shopping Center (Name): <input type="checkbox"/> 10 Units or Less <input type="checkbox"/> More than 10 Units |
|--------------------------|--|---|

| | | | | |
|--|--|--|--|--|
| 9. FOOD SERVICE <input checked="" type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Full Meals | 10. PARKING LOT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 11. PATIO? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. WILL YOU HIRE A MANAGER? (Rule 57.5) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|--|--|--|--|

| | | |
|--|--|--|
| 14. MEAL TYPE <input type="checkbox"/> Dinner House <input type="checkbox"/> Fast Food/Deli <input type="checkbox"/> Pizza/Pasta <input type="checkbox"/> Seafood <input type="checkbox"/> Other: | 15. TYPE OF FOOD <input type="checkbox"/> American <input type="checkbox"/> Chinese <input type="checkbox"/> Japanese <input type="checkbox"/> Greek <input type="checkbox"/> Korean <input type="checkbox"/> Other: <input type="checkbox"/> Indian <input type="checkbox"/> Italian <input type="checkbox"/> Thai | 16. HOURS OF FOOD SERVICE BREAKFAST HOURS From: To: LUNCH HOURS From: To: DINNER HOURS From: To: |
|--|--|--|

| 17. OPERATING HOURS | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---------------------|---------|---------|---------|-----------|----------|---------|----------|
| Opening Time | 7:00 am | 7:00 am | 7:00 am | 7:00 am | 7:00 am | 7:00 am | 7:00 am |
| Closing Time | 7:30 pm | 8:00 pm | 8:00 pm | 8:00 pm | 8:00 pm | 8:00 pm | 7:30 pm |

18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)

| | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> *Amplified Music | <input type="checkbox"/> Patron Dancing | <input type="checkbox"/> Card Room |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> *Live Entertainment | <input type="checkbox"/> Bikini/Topless/Exotic | <input type="checkbox"/> Movies |
| <input type="checkbox"/> Juke Box | <input type="checkbox"/> *Floor/Stage Shows | <input type="checkbox"/> Pool/Billiard Tables | <input type="checkbox"/> "Hot Spot"/Lottery |
| <input type="checkbox"/> *Other | <input type="checkbox"/> Karaoke | <input type="checkbox"/> *Amateur/Pro Sports Events | <input type="checkbox"/> Video/Coin-Operated Games |

*Description:

| | | |
|---|--|---|
| 19. PREMISES IS LOCATED ON <input type="checkbox"/> Major Thoroughfare <input type="checkbox"/> Other <input checked="" type="checkbox"/> Secondary Street | 20. TYPE OF STRUCTURE <input checked="" type="checkbox"/> Single Story <input type="checkbox"/> Multi-Story - Number of stories: <input type="checkbox"/> Two-Story | |
| 21. PASS-THROUGH WINDOW? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 22. FIXED BARS? <input type="checkbox"/> Yes - how many: <input checked="" type="checkbox"/> No | 23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? 10,000% |

FOR ABC USE ONLY

| | |
|---|-----------------------------|
| 24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.) | 25. DATE ENTERED INTO CABIN |
|---|-----------------------------|



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Retail Licenses)
and Census Tract = 220**

Report as of 10/25/2015

| | License Number | Status | License Type | Orig. Iss. Date | Expir Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|----|----------------|--------|--------------|-------------------------|------------|---|-----------------------------|--|----------|
| 1) | 264361 | ACTIVE | 48 | 9/20/1991 | 1/31/2016 | BUD MOHLER INC 419 PALM AVE NATIONAL CITY, CA 91950 Census Tract: 0220.00 | ALOTTAS | 3515 VALLEY VISTA RD BONITA, CA 91902 | 3708 |
| 2) | 350706 | ACTIVE | 21 | 3/12/1999 | 5/31/2016 | SHOSHANI, GEORGE HANNA 1626 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00 | KINGS LIQUOR | | 3708 |
| 3) | 398986 | ACTIVE | 20 | 5/28/2003 | 5/30/2016 | 7 ELEVEN INC 1601 E 18TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00 | 7 ELEVEN 2131 17265 | PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088 | 3708 |
| 4) | 408542 | ACTIVE | 21 | 3/25/2004 | 12/31/2015 | CARNIVAL SUPERMARKET INC 1750 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00 | CARNIVAL SUPERMARKET | | 3708 |
| 5) | 459110 | ACTIVE | 41 | 11/20/2007 | 10/31/2015 | FHOP INC 1900 E PLAZA BLVD NATIONAL CITY, CA 91950-3703 Census Tract: 0220.00 | FAMILY HOUSE OF PANCakes | | 3708 |
| 6) | 506904 | ACTIVE | 41 | 7/25/2011 2:49:59 PM | 5/30/2016 | LI, SHIHUI 1819 E PLAZA BLVD NATIONAL CITY, CA 91950-3701 Census Tract: 0220.00 | BISTRO CITY | | 3708 |
| 7) | 540773 | ACTIVE | 20 | 4/10/2014 1:32:10 PM | 3/31/2016 | VINTNERS DISTRIBUTORS INC 1601 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00 | NATIONAL CITY SHELL | 41805 ALBRAE ST, 2ND FL FREMONT, CA 94538-3120 | 3708 |

alone - 3

OFF-SMB - 4

- - End of Report - -

For a definition of codes, view our [glossary](#).

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
NUMBER OF LICENSES AUTHORIZED
BY CENSUS TRACT

| County Name | County Population | County Ratio On Sale | County Ratio Off Sale | Census Tract # | Census Tract Population | On Sale | Off Sale |
|---------------|-------------------|----------------------|-----------------------|----------------|-------------------------|---------|----------|
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 203.06 | 8,694 | 11 | 5 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 203.07 | 7,176 | 9 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 203.08 | 5,743 | 7 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 203.09 | 3,945 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 204.01 | 2,389 | 2 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 204.03 | 4,107 | 5 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 204.04 | 5,070 | 6 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 204.05 | 3,412 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 205.09 | 5,155 | 6 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 206.01 | 5,560 | 7 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 206.02 | 5,859 | 7 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.05 | 4,635 | 5 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.06 | 6,286 | 7 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.07 | 4,734 | 5 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.08 | 3,437 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.09 | 8,007 | 10 | 5 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 207.10 | 1,749 | 2 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.01 | 5,230 | 6 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.05 | 3,501 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.06 | 5,846 | 7 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.07 | 2,599 | 3 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.09 | 6,778 | 8 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.10 | 5,266 | 6 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 208.11 | 5,650 | 7 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 209.02 | 2,122 | 2 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 209.03 | 3,192 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 209.04 | 3,075 | 3 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 210.00 | 4,440 | 5 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 211.00 | 7,589 | 9 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 212.02 | 3,156 | 3 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 212.04 | 5,289 | 6 | 3 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 212.05 | 6,801 | 8 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 212.06 | 2,995 | 3 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 213.02 | 7,851 | 9 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 213.03 | 8,981 | 11 | 5 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 214.04 | 2,616 | 3 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 214.00 | 7,125 | 9 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 215.00 | 8,846 | 11 | 5 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 216.00 | 3,391 | 4 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 218.00 | 2,522 | 2 | 1 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 219.00 | 5,816 | 8 | 4 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 220.00 | 4,186 | 5 | 2 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 221.00 | 9,082 | 11 | 5 |
| SAN DIEGO | 3,227,496 | 790 | 1,564 | 222.00 | 6 | 0 | 0 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 101.00 | 2,739 | 13 | 3 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 102.00 | 4,143 | 15 | 3 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 103.00 | 3,452 | 14 | 3 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 104.00 | 4,543 | 16 | 4 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 105.00 | 2,685 | 9 | 2 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 106.00 | 3,894 | 14 | 3 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 107.00 | 5,992 | 20 | 5 |
| SAN FRANCISCO | 845,602 | 275 | 1,060 | 108.00 | 4,578 | 16 | 4 |



ABC Report 2015 ABC Report by Beats

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 3,238

Total Beat: 14

Average Total per Beat: 231.3

(120% or above is High Crime Area indicated by *)

| | Beat | Totals | % Average by Beat |
|----|------|--------|-------------------|
| 1 | 011 | 0 | 0.0% |
| 2 | 014 | 0 | 0.0% |
| 3 | 020 | 969 | 419.0%* |
| 4 | 021 | 957 | 413.8%* |
| 5 | 023 | 763 | 329.9%* |
| 6 | 024 | 545 | 235.6%* |
| 7 | 434 | 0 | 0.0% |
| 8 | 441 | 0 | 0.0% |
| 9 | 514 | 0 | 0.0% |
| 10 | 521 | 0 | 0.0% |
| 11 | 722 | 0 | 0.0% |
| 12 | 999 | 4 | 1.7% |



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 14 |
| ROBBERY | 112 |
| AGGRAVATED ASSAULT | 165 |
| BURGLARY | 132 |
| LARCENY | 720 |
| MOTOR VEHICLE THEFT | 211 |
| Total Part I Crime: | 1,354 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 44 |
| OTHER PART II CRIMES | 1,202 |
| CHILD AND FAMILY | 38 |
| DEADLY WEAPONS | 24 |
| EMBEZZLEMENT | 8 |
| FRAUD | 26 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 14 |
| NARCOTICS | 342 |
| SEX CRIMES | 17 |
| FORGERY | 3 |
| OTHER NON-CRIMINAL | 166 |
| Total Part II Arrest: | 1,884 |

| | |
|---|-------|
| Total = Part I Crime + Part II Arrest for Agency: | 3,238 |
| Total Agency: | 1 |
| (120% is considered high crime area) | |
| Average Total Per Agency: | 3,238 |



ABC Report
2015 ABC Report by Beats

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 020

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 6 |
| ROBBERY | 34 |
| AGGRAVATED ASSAULT | 31 |
| BURGLARY | 22 |
| LARCENY | 235 |
| MOTOR VEHICLE THEFT | 44 |
| Total Part I Crime: | 372 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 12 |
| OTHER PART II CRIMES | 336 |
| CHILD AND FAMILY | 9 |
| DEADLY WEAPONS | 10 |
| EMBEZZLEMENT | 3 |
| FRAUD | 10 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 4 |
| NARCOTICS | 138 |
| SEX CRIMES | 8 |
| FORGERY | 1 |
| OTHER NON-CRIMINAL | 66 |
| Total Part II Arrest: | 597 |

Beat Total = Part I Crime + Part II Arrest: 969

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 419.0%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 021

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 3 |
| ROBBERY | 33 |
| AGGRAVATED ASSAULT | 57 |
| BURGLARY | 53 |
| LARCENY | 169 |
| MOTOR VEHICLE THEFT | 66 |
| Total Part I Crime: | 381 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 16 |
| OTHER PART II CRIMES | 384 |
| CHILD AND FAMILY | 15 |
| DEADLY WEAPONS | 5 |
| EMBEZZLEMENT | 0 |
| FRAUD | 11 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 4 |
| NARCOTICS | 94 |
| SEX CRIMES | 7 |
| FORGERY | 0 |
| OTHER NON-CRIMINAL | 40 |
| Total Part II Arrest: | 576 |

Beat Total = Part I Crime + Part II Arrest: 957

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 413.8%

(120% is considered high crime area)



ABC Report
2015 ABC Report by Beats

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 023

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 3 |
| ROBBERY | 35 |
| AGGRAVATED ASSAULT | 41 |
| BURGLARY | 39 |
| LARCENY | 255 |
| MOTOR VEHICLE THEFT | 52 |
| Total Part I Crime: | 425 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 10 |
| OTHER PART II CRIMES | 211 |
| CHILD AND FAMILY | 6 |
| DEADLY WEAPONS | 4 |
| EMBEZZLEMENT | 1 |
| FRAUD | 1 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 2 |
| NARCOTICS | 66 |
| SEX CRIMES | 1 |
| FORGERY | 0 |
| OTHER NON-CRIMINAL | 36 |
| Total Part II Arrest: | 338 |

Beat Total = Part I Crime + Part II Arrest: 763

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 329.9%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 024

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 2 |
| ROBBERY | 10 |
| AGGRAVATED ASSAULT | 36 |
| BURGLARY | 18 |
| LARCENY | 61 |
| MOTOR VEHICLE THEFT | 49 |
| Total Part I Crime: | 176 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 6 |
| OTHER PART II CRIMES | 268 |
| CHILD AND FAMILY | 7 |
| DEADLY WEAPONS | 5 |
| EMBEZZLEMENT | 4 |
| FRAUD | 4 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 4 |
| NARCOTICS | 44 |
| SEX CRIMES | 1 |
| FORGERY | 2 |
| OTHER NON-CRIMINAL | 24 |
| Total Part II Arrest: | 369 |

Beat Total = Part I Crime + Part II Arrest: 545

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 235.6%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 441

Prior Report Number: B98S328R

| CRIME TYPES | CRIME TOTALS |
|----------------------------|---------------------|
| CRIMINAL HOMICIDE | 0 |
| FORCIBLE RAPE | 0 |
| ROBBERY | 0 |
| AGGRAVATED ASSAULT | 0 |
| BURGLARY | 0 |
| LARCENY | 0 |
| MOTOR VEHICLE THEFT | 0 |
| Total Part I Crime: | 0 |

| ARREST TYPES | ARREST TOTALS |
|------------------------------|----------------------|
| SIMPLE ASSAULT | 0 |
| OTHER PART II CRIMES | 0 |
| CHILD AND FAMILY | 0 |
| DEADLY WEAPONS | 0 |
| EMBEZZLEMENT | 0 |
| FRAUD | 0 |
| GAMBLING | 0 |
| MALICIOUS MISCHIEF | 0 |
| NARCOTICS | 0 |
| SEX CRIMES | 0 |
| FORGERY | 0 |
| OTHER NON-CRIMINAL | 0 |
| Total Part II Arrest: | 0 |

Beat Total = Part I Crime + Part II Arrest: 0

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part 1 Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 0.0%

(120% is considered high crime area)

Environmental Scan For Alcohol License C.U.P.

Gamma Produce

1605 East 4th Street, National City, CA 91950

November 25, 2015



Photo of Gamma Produce in National City



Google Earth View of 1605 E 4th Street .
and Surrounding Area

This environmental scan is for an amendment on the existing Conditional Use Permit for the Gamma Produce market, located at 1605 East 4th Street in National City. The applicant is applying for a Conditional Use Permit for sales of Beer and Wine. The business is located at the intersection of Palm Avenue and East 4th Street in National City. Currently there are six (6) active licenses issued for the Census Tract is 0118.02. This number exceeds the census track allocation of 1. An environmental scan was conducted on Wednesday, November 25, 2015.

The business is the Gamma Produce, a market with sales of groceries, fruit, vegetables and meat. During a scan of the business and property the following was noted:

The business is a small business located alone on the property. There are single-family residences, multi-unit housing and one church in the immediate area.

Funded by the San Diego County Health and Human Services Agency
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Youth Sensitive Areas

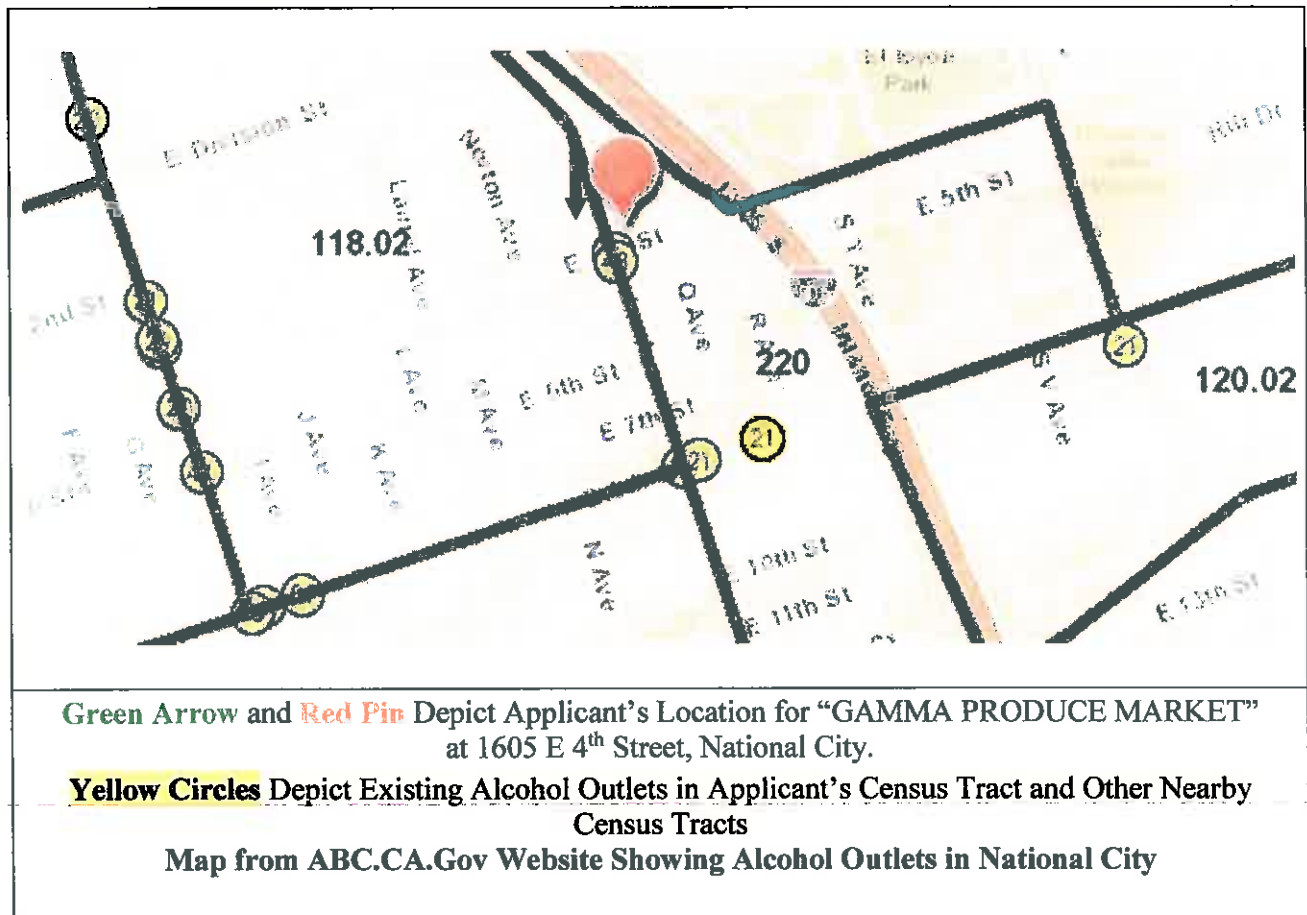
The business is not located near any youth sensitive areas.

Churches

The business is located across from a Christian Church at the West side of Palm Avenue and East 4th Street in National City.

Outlet Density

According to the ABC, seven (7) on-site licenses are authorized for Census Tract 0118.02, the census tract within the area of which the Gamma Produce is located. Currently there are five (5) off-sale licenses issued for the Census Tract is 0118.02. This number exceeds the census tract allocation by 1.



The South Bay Community Change Project is a project of the Institute for Public Strategies and is funded by the San Diego County Health and Human Services Administration

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Census Tracts

| | Off-Sale | On-Sale |
|---|---|--|
| Tract 220 <i>Establishment is within this tract</i> | Allowed: 2 Actual: 4 Number Above/Below Allowable: +2 | Allowed: 5 Actual: 3 Above/Below: -2 |
| Neighboring Census Tracts | | |
| Census Tract 0118.01 | Allowed: 2 Actual: 2 Number Above/Below Allowable: - | Allowed: 4 Actual: 4 Above/Below: - |
| Tract 118.02 | Allowed: 4 Actual: 5 Number Above/Below Allowable: +1 | Allowed: 7 Actual: 7 Above/Below: - |

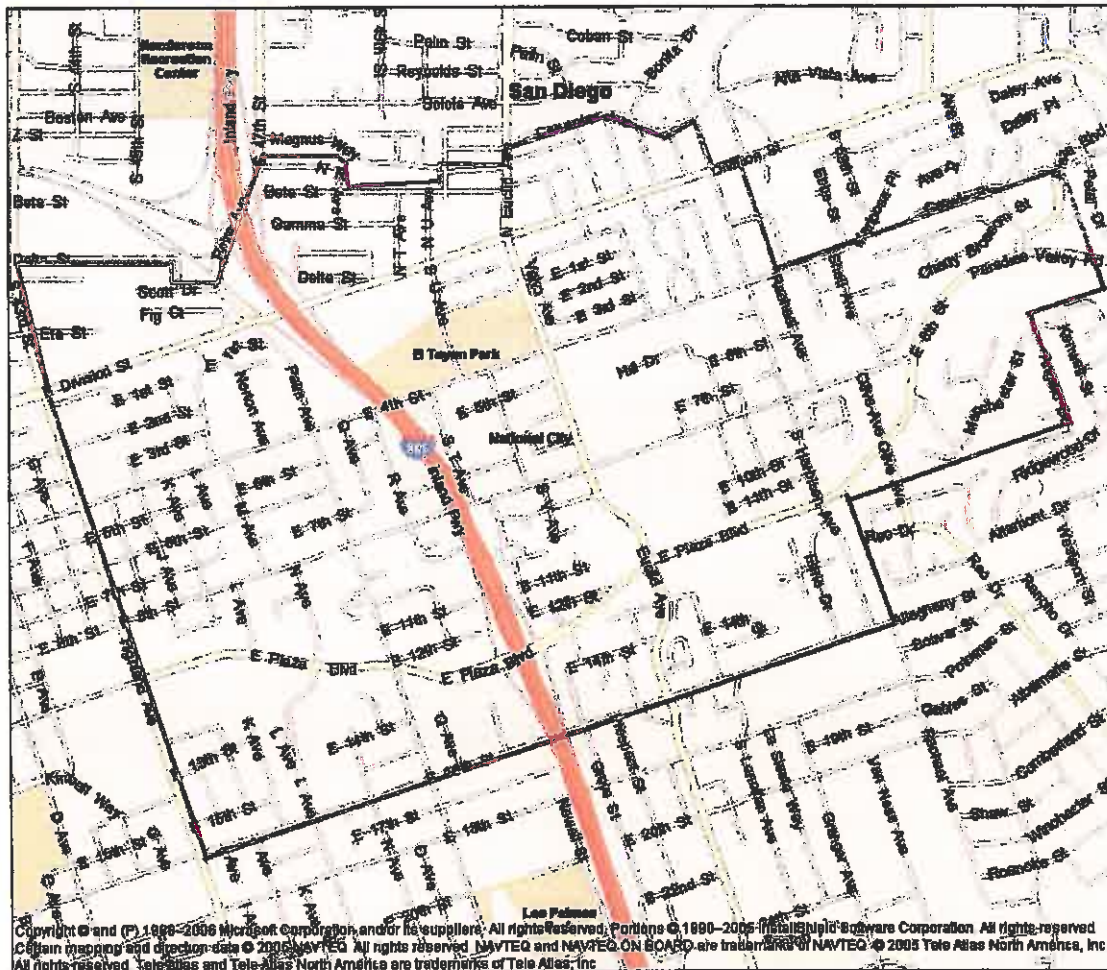
Crime Rate

Refer to National City Police Departments report for crime statistics.

Considerations

South Bay Community Change staff spoke to the owner, Mrs. Susan Maza on November 25, 2015. She let us know that the hours of the alcohol sales would coincide with the store hours Monday-Friday 7:30 a.m. to 8:00 p.m. and weekends 7:30 a.m. to 7:00 p.m. She has had her business there for the past 16 years wants only to provide the beer and wine for her direct customers.

We would recommend that the current conditions continue and insure that the staff, management, and owner attend the Responsible Beverage Sales and Service training.



City of National City Beat 21

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT GAMA PRODUCE
LOCATED AT 1605 EAST 4TH STREET.
CASE FILE NO.: 2015-28 CUP
APN: 554-050-19

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, February 8, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Susana Maza)

The applicant is requesting to sell beer and wine for off-site consumption between the current operating hours of 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. Beer and wine would be stored in a cooler located in the rear of the store.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **February 8, 2016** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRK

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2016-03

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT GAMA PRODUCE LOCATED AT 1605 EAST 4TH STREET.**

CASE FILE NO. 2015-28 CUP

APN: 554-050-19

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Gama Produce located at 1605 East 4th Street at a duly advertised public hearing held on February 8, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on February 8, 2016, support the following findings:

- 1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone.**
- 2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area**
- 3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity,**

because no expansion is proposed, because the proposed use would be accessory to an existing market use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on East 4th Street or Palm Avenue based on the current capacity and traffic numbers.

4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing market use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other businesses in the same census tract; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine at an existing market located at 1605 East 4th Street. The display of alcoholic beverages shall be limited to

an area in substantial conformance with Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015.

2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
7. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
8. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
9. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
10. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.

11. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
12. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
13. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
14. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
15. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

Police

17. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that

meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 8, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: REQUEST SEEKING REPORT FROM THE PLANNING COMMISSION REGARDING CITY COUNCIL MODIFICATION OF A PLANNING COMMISSION RECOMMENDATION TO AMEND TITLE 18 (ZONING) RELATED TO SIGNS AND OUTDOOR ADVERTISING DISPLAYS.

BACKGROUND

The Planning Commission held a public hearing on this amendment at their meeting of May 4, 2015 and recommended approval of the amendment to the City Council. The Council held public hearings on May 19, 2015 and June 2, 2015, and also held a workshop on September 22, 2015. At a subsequent meeting held on February 2, 2016, the City Council voted to modify the recommendation of the Planning Commission by making changes to §18.47.060 – Signs Exempt from Sign Permit Requirement – and §18.47.080 – Permanent Signs.

The changes made by Council were related to the individual and cumulative size of signs at all times and during the election period. Changes were also made related to the size of flags and length/height of flagpoles on non-commercial properties. The attached strike-through/underline Ordinance shows the originally-recommended language and the changes made by Council. Another change related to the timeframe for sign removal was also made (§18.47.080 – Enforcement).

§65857 of the Government Code states that “the legislative body [City Council] may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation.”

Accordingly, staff is providing this report to appraise the Commission of Council's changes to the Ordinance, and seeks the Planning Commission's recommendation regarding the modifications. The Planning Commission's report and recommendation will be received by the Council at a subsequent City Council meeting.

ATTACHMENTS

1. California Government Code §65857
2. Strike-through/underline Ordinance showing changes made by City Council

A handwritten signature in blue ink, appearing to read "M. Reeder", with a stylized, flowing script.

MARTIN REEDER, AICP
Principal Planner

A handwritten signature in blue ink, appearing to read "B. Raulston", with a stylized, flowing script.

BRAD RAULSTON
Executive Director



California

LEGISLATIVE INFORMATION

Code: Section:

Search

[Up^](#) [<< Previous](#) [Next >>](#)[cross-reference chaptered bills](#)[PDF](#) | [Add To My Favorites](#)[Highlight](#)**GOVERNMENT CODE - GOV****TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)**DIVISION 1. PLANNING AND ZONING [65000 - 66103]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)**CHAPTER 4. Zoning Regulations [65800 - 65912]** (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** (*Article 2 added by Stats. 1965, Ch. 1880.*)

65857. The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.

(Amended by Stats. 1973, Ch. 600.)

ORDINANCE NO. 2016 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AMENDING CHAPTER 18.47 OF THE NATIONAL CITY MUNICIPAL CODE
PERTAINING TO SIGNS AND OUTDOOR ADVERTISING DISPLAYS

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code; and

WHEREAS, pursuant to legal notice, hearings were held by the Planning Commission and the City Council of National City, and all persons interested were given the opportunity to appear and be heard before said Planning Commission and City Council; and

WHEREAS, the Planning Commission has regularly and duly certified its report to the City Council of National City and has recommended such amendment.

NOW, THEREFORE, the City Council does ordain as follows;

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. That Section 18.47 of Title 18 of the Municipal Code be amended to read as follows:

CHAPTER 18.47
SIGNS ON PRIVATE PROPERTY AND PUBLIC PROPERTY
NOT OWNED BY THE CITY OR ITS AFFILIATED AGENCIES

Sections:

| | |
|-----------|--|
| 18.47.010 | Title. |
| 18.47.020 | Authority, Scope, Intent, Purposes. |
| 18.47.030 | Basic Principles. |
| 18.47.040 | Definitions. |
| 18.47.050 | Sign Permits, Other Sign-Related Decisions, Appeals. |
| 18.47.060 | Signs Exempt From Sign Permit Requirement. |
| 18.47.070 | Prohibited Signs. |
| 18.47.080 | Permanent Signs. |
| 18.47.090 | Temporary Signs. |
| 18.47.100 | Vehicles Signs. |
| 18.47.110 | Murals. |
| 18.47.120 | Flags, Banners, and Pennants. |
| 18.47.130 | Master Sign Programs. |
| 18.47.140 | Nonconforming Signs; Abandoned Uses. |
| 18.47.150 | Safety, Maintenance, and Refacing. |
| 18.47.160 | Enforcement and Removal. |
| 18.47.170 | Severability. |

18.47.010 Title. This Chapter shall be known as the Regulatory Sign Ordinance of the City of National City, California.

18.47.020 Authority, Scope, Intent, Purposes.

A. **Authority.** This Chapter is enacted pursuant to the City's general and police powers, California Constitution Article XI, Section 7; California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, 5490 *et seq.*, 13530 *et seq.* and 13540; Penal Code Section 556 *et seq.*; and other applicable state laws.

B. **Scope.** This Chapter regulates signs, as defined herein, which are located within the corporate limits of the City of National City and over which the City has land use regulatory authority, but not on City owned land. Signs on City land are subject to Chapter 13.28. Signs used in conjunction with parades, protests, demonstrations and outdoor public assemblies are regulated as temporary uses under Chapter 15.60.

C. **Intent.** By adoption of this Chapter, the City Council intends to create and implement a comprehensive system for the regulation of signs within the scope of this Chapter, with a regulation system that: 1) accommodates the expression rights of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution; 2) comports with all applicable principles of federal and state constitutional, statutory and administrative law.

D. **Purposes and Interests Served.** The purposes of this Chapter include, but are not limited to: 1) serving the governmental and public interests in controlling visual clutter, community esthetics, and safety of drivers, passengers, and pedestrians; 2) aiding in the identification of properties, land uses, enterprises and other establishments; 3) enhancing the general appearance and esthetics of the urban environment; and 4) protecting the natural beauty of the City's open space.

18.47.030 Basic Principles.

A. **Message Neutrality Policy.** It is the policy of National City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.

B. **Message Substitution Policy.** A constitutionally protected noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal. Any substitution shall require the private property owner's consent. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. The message substitution policy does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an off-site commercial message in place of an onsite commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon) display without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally-applicable rules for sign size, height, orientation, setback, separation or illumination.

C. **Enforcement Authority.** The Director is authorized and directed to administer and enforce this Chapter.

D. **Administrative Interpretations.** Interpretations of this Chapter are to be made initially by the Director in consultation with the City Attorney. The Director may refer an interpretation question to the Planning Commission. All interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City, then the Planning Commission or Director, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter.

E. **Responsibility for Compliance.** The responsibility for compliance with this Chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and / or other parties holding the legal right to immediate possession and control.

F. **Onsite-Offsite Distinction.** Within this Chapter, the distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to non-commercial messages.

18.47.040 Definitions. The following definitions apply to this Chapter, and to other chapters when cross-referenced by such other Chapters.

"Banner" means any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a message, attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building, or structure. The term "banner" includes a pennant, flag, or bunting.

"Billboard" means a permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, *i.e.*, it is general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

"Bunting" means a form of banner that is typically presented and displayed in a folded or gathered fashion or combination. It may include a display in combination with a flag or banner. Depending on the format of the display, the term may be synonymous with banner.

"Changeable copy sign" means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material. "Digital signs," "dynamic signs," and CEVMS (changeable electronic variable message signs) are all within this definition.

"City" means the City of National City California.

"City property" means any parcel of land or separately leasable space over which the City or any of its related entities, holds the present right of possession and control, regardless of who may hold legal fee title, or that is within the public right-of-way.

"Commercial mascot" means a person or animal attired or decorated with commercial insignia, images, costumes, masks, or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial

enterprise. This definition includes "sign twirlers," "sign clowns," "sign spinners," "sign twirlers," and "human sandwich board" signs. Also known as "living signs."

"Commercial message" means a message that proposes a commercial transaction or pertains primarily to the economic and commercial interests of the message sponsor and/or the sign audience.

"Construction site sign" means a sign that is displayed on the site of a construction development project during the period of time of actual construction.

"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

"Director" means the City Manager or designee.

"Directional sign" is a sign used to provide directions to pedestrians and vehicular traffic.

"Election period" means that period of time which begins 60 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends ten days after such election.

"Establishment" means any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or once a full-time residency begins.

"Establishment premises" means a specific occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s) so as to maintain a specific identity and location.

"Flag" means a piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

"Freestanding sign" means a sign which is principally supported on the ground by one or more uprights, braces, poles, pylons or other similar structural components. This category includes both monument and pole signs.

"Frontage" when used as a measurement reference of a building or establishment premises, shall refer to the distance between the two most distant corners of a building measured in a straight line along the building face bordering the adjoining street. See Glossary pertaining to frontage when made applicable to a parcel of land. The term also refers to the elevation of a building that abuts or adjoins a private or public right-of-way or parking lot.

"Garage sale sign" means a sign whose message concerns short-term rummage, estate, boutique, or garage sales of used or handmade common household items from a residential property.

"General advertising," also known as "general advertising for hire," means the enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

"Height" means the distance measured vertically from grade to the highest point or portion of the object to be measured or height limited.

"Illegal sign" means a sign that was installed without proper City or other required approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

"Illuminated sign" means a sign whose message is made readable by internal or external lights or light emitting diodes (or functionally equivalent technology), typically (but not necessarily) during hours of darkness.

"Install" or "installation" includes but is not limited to the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.

"Legal nonconforming sign" means a sign that complied with all applicable laws, rules and policies at the time of installation, and which has not been expanded beyond the originally applicable rules, but which does not conform to currently applicable law and rules.

"Mobile billboard" means a sign on a wheeled conveyance (whether motorized or not) or water craft, including those which carry, convey, pull or transport any sign used for general advertising for hire. The term does not include vehicles and vessels that display identification information concerning the usual business or regular work of the vehicle/ vessel owner (not including general advertising).

"Motor fuel price sign" means a sign of the type described and required by Business and Professions Code section 13530 *et seq.*

"Monument sign" means a low-profile freestanding sign supported by a structural base or other solid structural features other than support poles, which may contain copy on more than one side.

"Mural" or "mural-type sign" means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters. Murals or mural-type signs, including those described as artistic murals, shall be treated as any other sign subject to the signage area requirements.

"Non-commercial message" means a constitutionally protected message that addresses topics of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary.

"Offsite sign" means a sign that advertises commercial products, accommodations, services, or activities not provided in or on the property or premises upon which it is located.

~~The on-site/off-site distinction does not apply to non-commercial messages.~~

"Onsite sign" means a sign that advertises the commercial business, accommodation, services, or activities provided on the premises on which the sign is located, or is expected to be provided in the near future, such as "coming soon" movie posters. In the case of developments subject to a master sign program, all establishments subject to the program are considered on-site whenever located within any location subject to the program. All establishments within a shopping center are on-site as to any sign(s) also located within that shopping center. The on-site/off-site distinction does not apply to non-commercial messages.

"Outdoors" means a location on undeveloped property or the exterior of a building or structure.

"Parcels" or "property" or similar references or descriptions mean parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the Glossary of this Code.

"Pennant" is a banner with three sides, or swallow-tail form.

"Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also "temporary sign."

"Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

"Projecting sign" is any sign which projects beyond a building face and uses a wall or vertical element of a building as its main source of support. The term includes a double-faced sign that is installed more or less perpendicular to the face of a building so as to allow a message to be viewable from either side. The term does not include signs that are installed along the face of a building and that are completely attached to the face of a building.

"Real Estate Sign" means any sign whose message concerns a proposed economic transaction involving real estate, including all signs described in Civil Code 713.

"Residential Sign" means a sign displayed on a legal, individual dwelling unit. The term does not apply to management offices of apartment complexes or mobile home parks, or to hotels, motels, inns or other places of transient occupancy.

"Responsible Party" means the permittee, property owner, or owner or person in charge of the sign.

"Rooftop sign" or "Roof-mounted sign" means a sign that extends above the ridgeline of the roof of a building or a sign attached to any portion of the roof of a building.

"Safety Codes" refers to the Building, Electrical, Plumbing, Grading, and similar codes which ensure safe construction.

"Shopping center" shall mean a group of commercial buildings as defined in the Glossary.

"Sign" as used in this Chapter, generally means the public display of any visually communicative image placed on public display and visible from the exterior of any portion of the public right of way or place open to passage by the public. Notwithstanding the generality of the foregoing, the term "sign" does not include:

1. Aerial banners towed behind aircraft;
2. Architectural features – decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function (examples include color stripes around an office building or retail store);
3. Automated Teller Machines (ATM's), when not used for general advertising;
4. Cornerstones and foundation stones;
5. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
6. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;
7. Historical monuments, plaques and tablets;

8. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for not more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages;

9. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses");

10. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;

11. Manufacturers' marks – marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

12. Mass transit graphics – graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the city;

13. News racks, newspaper vending devices and newsstands;

14. Personal appearance: makeup, masks, wigs, costumes, jewelry, apparel and the like, unless it constitutes a commercial mascot;

15. Safety warnings on motorized or electrified equipment;

16. Searchlights used as part of a search and rescue or other emergency service operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events);

17. Shopping carts, golf carts, horse drawn carriages, and similar devices (any motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion);

18. Symbols embedded in architecture – symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary;

19. Vehicle and vessel insignia – on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel.

20. Vending machines, automated intake devices and product dispensing devices which do not display off-site commercial messages or general advertising messages;

21. Window displays – the display of merchandise in a store window, when such merchandise is immediately available for purchase.

"Signage" is the collective noun for all signs on a given parcel, lot or location, or within a stated classification;

"Sign area" means that portion of a sign which consists of visually communicative copy, including the advertising surface and any framing, trim, or molding but not including the supporting structure, measured one side only, provided that the angle between faces for two-sided signs does not exceed 30 degrees.

"Sign copy" means the visually communicative elements, including but not limited to words, letters, numbers, designs, figures, or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

"Sign face" means the portion of a sign that is available for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights, or base of a sign that do not function as a sign shall not be considered as part of a sign face.

"Sign height" means the vertical distance of a sign from the uppermost point used in measuring the sign area to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the sign.

"Special Event" means an activity or event that occurs rarely or irregularly, is open to the public, and is of a duration not exceeding 7 days. Any event that is subject to a Temporary Use Permit will be considered within this definition. By way of example and not limitation, special events include circus or carnival runs, 4th of July Festival, Easter Egg Hunt, Relay for Life, Christmas Tree Lighting, parking lot sales at shopping centers and malls, holiday celebrations, Auto Heritage Day, *etc.*

"Temporary message" means a message that pertains exclusively to an event which occurs on, or ends on, a particular day.

"Temporary sign" means a sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.

"Visibility triangle" means at the intersection of any two or more streets, that area extending horizontally 50 feet from the corner of the intersection and vertically, from a height of three feet to a height of eight feet.

"Visible to the exterior" refers to the placement of a sign or banner within the interior first eight feet of a commercial or industrial building or structure in such a manner so that it or its message is readily visible on an immediately contiguous public right-of-way, parking lot, or parcel. To be visible does not require that the message be understandable or readable.

"Wall sign" means a sign that is attached to, erected against or painted on the wall of a building or other vertical structure.

"Warning sign" means a sign that is posted to provide notice of danger, such as "Beware of Dog," "Railroad Crossing," "Danger High Voltage" or noting the location of underground utilities.

"Window sign" means a sign that is painted or mounted on a window pane, or that is mounted within five feet of a window and oriented for viewing by exterior passersby.

"Zone" refers both to the zone classifications given in 18.20.020, and to the specific areas or districts to which a given zoning classification applies.

18.47.050 Sign Permits, Other Sign-Related Decisions, Appeals.

A. **Sign Permit Generally Required.** Unless exempted from the sign permit requirement, all signs regulated by this Chapter may be installed, maintained, erected, or displayed only pursuant to sign permit pursuant to this Chapter, and a finding of compliance is made by the Planning Division, using the design criteria identified in this Chapter and other

applicable regulations. A sign permit may be approved subject to conditions, so long as those conditions are required by this Chapter or some other applicable law, rule or regulation.

B. **Compliance Required.** No permit shall be issued for any sign or sign structure except in compliance with the provisions of this Chapter. A sign permit may be subject to compliance with permitting requirements imposed by other sources of law, including the safety codes for building, electrical, plumbing, grading, etc. Where there is a conflict between the provision of this Chapter and other applicable regulations, the more restrictive shall apply.

C. **Right to Permit or Display.** When any sign permit application is complete and fully complies with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time. In the case of signs which are exempt from the sign permit requirement, there is a right to erect, display, and maintain such signs as are authorized by this Chapter, subject to the applicable rules. This "right to permit" provision does not apply when the relevant city law is under active consideration for amendment at the time the application for a sign permit is submitted, or when the rules or regulations relevant to the application are changed prior to the expiration of the time for decision.

D. **Legally Existing Signs; Alterations.** Signs legally existing prior to the effective date of this Chapter shall be exempt from the sign permit requirement unless a structural alteration is made, the sign area or any other point of nonconformity is enlarged or expanded, or there is some other change in the structural elements of the sign. Structural alterations and expansions require a sign permit.

E. **Review.** All sign permit applications shall be initially reviewed by the Director. In the case of any discretionary permit in which signage is included, such as a master sign program, a specific plan including signs, a variance, or an appeal, the Director shall prepare a report for the body which shall hear the matter, the Planning Commission or City Council. The report may, but is not required, to include recommendations.

F. **Application for a Sign Permit.** Any person seeking a sign permit for a sign shall submit to the Director a written application for such. The Director shall prepare a sign permit application form and provide it to any person on request, along with such other materials and information as applicants need to submit for a permit. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site; however, the Director may make separate decisions as to each sign. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the City Council.

G. **Application Contents.** The sign permit application form may call for the following information:

1. Name, address and telephone number of the applicant and, if applicable, the name, address, and telephone number; when the applicant is not the holder of legal title to the property, consent to the installation of the sign by the person(s) or entities who hold legal title and the present right of possession and control of the property; when the sign is proposed to be installed by a sign contractor, the name, address, contact information, and the license number, if any, of the contractor;

2. As to the proposed location for the sign, multiple sets of a fully dimensioned Site Plan (drawn to scale) indicating the street address, Assessor's Parcel Number, zone classification, all property lines, public and private street lines (including center

lines), structures, easements, utility poles and wires, and the location and size (in square feet) of all existing and proposed signs;

3. As to existing signs already on parcel, information as to whether each is permitted or exempt from permitting;

4. Accurate and scaled building elevation showing existing and proposed building signs; including existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area;

5. A statement as to whether the sign is intended to be used in whole or in part for off-site commercial messages, advertising for hire or general advertising;

6. A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to utilize any of the following physical methods of message presentation: sound; odor, smoke, fumes or steam; rotating, moving or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; light emitting diodes, liquid crystal displays or other video-like methods; digital display technology; use of live animals or living persons as part of the display; mannequins or statuary;

7. A statement as to whether the property or parcel on which the sign is proposed to be erected or displayed, or any currently existing sign thereon, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application;

8. Photographs of the existing property, parcel and/or building on which the sign is proposed to be erected or displayed;

9. In the case of any proposed sign which is subject to a discretionary process, such as a variance, conditional use permit, or sign program, all information required by such process(es);

10. The Director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty (30) days public notice. The Director is also authorized to request, require, or accept application materials, in whole or in part, in electronic form, and to specify the acceptable computer formats for such submissions.

H. **Completeness.** As the first step in processing a sign permit application, the Director shall determine whether the application is complete. If the application is not complete, the applicant shall be so notified in person or in writing initially within 30 days of the date of receipt of the application; the notice of incompleteness shall state the points of deficiency and identify any additional information necessary. The applicant shall then have thirty (30) calendar days, to submit additional information to render the application complete.

~~I. Disqualification. No sign permit application will be approved if:~~

1. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed or a cure included in the application;

2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different establishment) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the application;

3. The sign application is substantially the same as an application previously denied, unless: (i) twelve (12) months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;

4. The applicant has not obtained any applicable required use permit or conditional use permit. However, applications for such permits may be processed simultaneously with a sign permit application.

J. Applications for Multiple Signs. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.

K. Discretion. When discretion is authorized for a master sign program or site plan review, that discretion may be exercised only as to location, structural and safety factors, and not as to message content, graphic design or artistic merit. Permissible factors for consideration include: style or character of existing improvements upon the site and lots adjacent to the site; construction materials; number and spacing of signs in the area; the sign's height, design, and location in relation to its proposed use; form, proportion, scale, overall sign size; potential effect of the proposed sign on driver and pedestrian safety; potential blocking of view (whole or partial) of a structure or facade or public view of historical or architectural significance; potential obstruction of views of users of adjacent buildings.

L. Master Sign Programs. Permit applications for Master Sign Programs as part of planned commercial, office-professional and industrial development shall include the above information as part of a Site Development Plan or Specific Plan. When approval is sought for a development that includes one or more signs, then the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter. In addition, when a development project will have 6 or more leased spaces, it must also comply with the Master Sign Program requirements set forth in Section 18.47.130. Such proposals may be reviewed by the Director and shall be decided by the Planning Commission. In preparing a report for the Planning Commission, the Director may, but is not required to, make recommendations.

M. Revocation or Cancellation. The Director may revoke any approval or permit upon refusal or failure of the permittee to comply with the provisions of the permit and the requirements of this Chapter, after written notice of noncompliance and at least fifteen (15) calendar days opportunity to cure. However, opportunity to cure does not apply when a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.

N. Permits Issued in Error. Any approval or permit issued in error may be summarily revoked by the Director upon written notice to the permittee, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place and includes but is not limited to omissions, errors or misrepresentations in the application materials, and oversights or errors in the processing thereof.

O. Inspections. All signs subject to one or more safety permits (building, plumbing, electrical, grading, etc.) require final inspection and approval by the Building Official.

P. Sign-Related Decisions. Challenges or objections to sign-related decisions, notices and orders, other than approval or denial of a sign permit, do not require a particular form, but must be in writing, signed by the applicant or challenger, and particularly state the matter challenged and the grounds therefore. Challenges shall be made to the Director within 30 days of the date of the decision, notice, and/or order. Challenges and objections to sign-related decisions not made in accordance with these procedures shall not be eligible for appeal.

Q. Levels of Review; Order of Review. Except for signs subject to initial review by the Planning Commission, initial review and decisions on all sign permit applications shall be by the Director unless otherwise stated herein; appeal is first to the Planning Commission and then to City Council.

R. Safety Codes. When a proposed sign, by virtue of its physical, structural, location, and other non-message factors, is subject to any permits or requirements under the safety codes, then satisfaction of such requirements shall be a condition of the sign permit.

S. Permit Denial. When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall specifically state the grounds for denial.

T. Timely Decision. At each level of review or appeal, the decision shall be rendered in writing within 30 calendar days. The time period begins running when an appeal, challenge, or objection is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower level decision shall be deemed affirmed.

U. Appeal. Any decision regarding a sign permit application or other sign-related decision may be appealed by any affected person. Notices of Appeal and challenges and objections to sign-related decisions must be filed with the City Clerk within thirty calendar days of the decision; if City offices are not open on the thirtieth day, then the time period is extended to the next day City offices are open to the public. Appeals shall be heard by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council pursuant to 18.12.060, as augmented by this Chapter. The appeal right arises at the earliest of: a) the date of the written decision that is delivered to the applicant, or b) the time for decision has run without a written decision. The Notice of Appeal, Objection, or Challenge must state specifically the matter appealed from and the grounds for appeal. Notices of Appeal must be signed by the appellant or their authorized agent, representative, or attorney.

V. Status Quo. During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes an immediate threat to public safety.

W. Judicial Review. Following final decision by the City Council, any affected person may seek judicial review of the final decision on a sign permit application or other sign-related decision pursuant to the applicable provisions of the California Code of Civil Procedure.

X. Notices. Written notices by the City, required within this Chapter, shall be deemed given on the earliest of the following: when personally delivered, when publicly posted, or on the day of mailing. Notices are deemed effective when sent to the last known address of the addressee.

18.47.060 Signs Exempt From Sign Permit Requirement. The signs listed in this section are exempt from the requirement of prior approval (either by sign permit or site plan review), but still subject to the rules stated in this Chapter. When any residential sign meets the definition of "structure" in the Building Code, or is electrified, then compliance with all safety codes (building permits, electrical permits, etc.) is required. Signs may also be exempted from

the sign permit requirement by other sections of this Chapter, other chapters of this code, or other bodies of law.

A. Residential Signs. All legal residential dwelling units are allowed a defined maximum cumulative display area, which is available at all times, subject to:

1. Physical types: residential signs may be free standing or mounted on doors, walls, or fences; flag poles not exceeding 25 feet cumulative of linear footage; roof-mounted signs are prohibited;

2. Permissible message types: any variety or combination of constitutionally protected noncommercial speech (including but not limited to political / election signs); real estate signs (must be removed not more than five days after the proposed economic transaction is completed, or the property goes off the market); garage sale signs compliant with the other provisions in the Municipal Code addressing garage sales which is currently set forth at Section 7.21.060; construction site signs;

3. Prohibited message types: commercial messages other than those specified in the preceding subsection; general advertising for hire; any message whose public display is illegal;

4. Maximum display area: 16 square feet per parcel per frontage at all times; except that during the Election Period, when there shall be no limit on the maximum display area, this allowance may be increased up to 32 square feet per parcel per street frontage visible from the public right-of-way. The maximum display area is the cumulative total of all signs that are subject to the area limit. Not included within with the cumulative total: indicators of street address and occupants' name(s), visual images mounted on the ground (i.e., door mats);

4.5. Maximum sign size: 6 square feet per sign at all times; except during the Election Period when the maximum individual sign size is 16 square feet. The maximum sign size is the maximum square footage allowed for an individual sign.

5.6. Illumination: special illumination of residential signs is prohibited; residential signs may be illuminated only by natural and legal ambient lighting;

B. Construction Site Signs, subject to:

1. On single-family residential properties, construction site signs shall be no larger than 20 square feet per street frontage;

2. For all other construction projects: maximum display area for signs shall be no greater than 50 square feet per frontage;

3. Construction site signs must be removed prior to final inspection or before issuance of a certificate of completion or certificate of occupancy, as applicable;

4. Illumination: prohibited.

C. Signs required or authorized by other bodies of law or court orders;

D. Signs required by the fire department to designate fire lanes;

E. Nameplate identification signs and combination name plates and address signs with letters that do not exceed three inches in height, are not illuminated, and do not exceed four square feet in area;

F. Window signs that do not exceed 15% of the area of a window or 12 square feet, whichever is less;

G. Warning signs such as "no parking," "watch dogs," "private property," and "security service" that are not illuminated, do not exceed one square foot in area each, and do not project over a public right-of-way. No more than three of these signs shall be allowed per premises;

H. Bulletin boards, provided they do not exceed sixteen square feet in area, do not project over a public right of way, and are not illuminated;

18.47.070 Prohibited Signs. The signs listed in this section are prohibited in all zones and at all times unless explicitly authorized or allowed by another provision of this Chapter, another chapter of the code, or other applicable law.

1. New billboards, conversion of existing billboards to digital or dynamic or tri-vision display, expansion of the display face of any existing billboard (except as authorized by state law), and the installation of an additional display face to an existing billboard structure;
2. Mobile billboards, but not including taxis or shuttle vehicles or public transportation vehicles that legally pass through the city;
3. Signs mounted on roofs, water towers, radio, television, or cell phone towers;
4. Signs mounted on fences;
5. Signs mounted on trees, bushes, or vegetation;
6. Signs placed on property (public or private) without consent of the property owner or other party holding the present right of possession and control;
7. Signs that obstruct any window, door, gate or opening used or required as a means of regular ingress or egress, legal light or ventilation, as a fire escape or other emergency access or escape;
8. Signs displayed on vacant or undeveloped lots;
9. Signs whose intensity of illumination or size, shape or location interferes with the safe operation of a vehicle or creates distraction to the operator of a wheeled vehicle on adjoining public streets;
10. Signs mounted in such a manner as to obstruct the free flow of vehicular or pedestrian traffic;
11. Signs that are confusingly similar to authorized, official traffic and pedestrian control signs, even though they are in fact not traffic control signs;
12. Signs using animation, flashing, blinking, or intermittent light exceeding any of these operational parameters:
 - a. Illumination equivalent to incandescent light bulbs of sixty watts maximum per bulb;
 - b. Flashes or blinks more than 15 times per minute;
 - c. Chaser lights;
 - d. High intensity neon lights, tubes and flashing lights are prohibited on animated and flashing signs;
 - e. Rotating beacon lighting elements.
- ~~13. Advertising or attention-getting devices that are inflatable, float in air or water, or are activated by wind or forced air;~~
14. Temporary signs displaying off-site commercial messages or used for general advertising for hire, unless required by state law;
15. Signs placed in the public right-of-way, unless explicitly allowed by Chapter 13.28.
16. Signs mounted on motor vehicles parked in the public right of way.

18.47.080 Permanent Signs. Unless specifically exempted herein, all permanent signs require a sign permit. The following three types of signs are categorically exempt from this sign permit requirement: 1) signs installed and displayed pursuant to court order, statutory requirement or authorization; 2) signs on residential properties; 3) signs posted by any governmental entity in the execution of its official duties.

A. Signs less than six square feet. The display on any non-residential parcel of any single sign or banner that is less than six square feet in area is allowed and is exempt from obtaining a sign permit.

B. Directional Signs. Directional signs that do not exceed a total of three square feet in size per sign, and total area combined does not exceed nine square feet per parcel, are allowed, and are exempt from obtaining a sign permit.

C. Freestanding Signs. A maximum of two freestanding or monument signs, not to exceed a total of one hundred square feet, are allowed, subject to a sign permit, for single-family subdivisions, multi-family developments, and mobile home parks.

D. Flags. On residential land uses, a total of 24 square feet of flag area may be displayed at any and all times; on non-residential land uses, there shall be no limit to the allowable a total of 40 square feet of flag area that may be displayed at any and all times. The number of flag poles is limited to cumulative linear footage as follows: 25 feet on residential lots and 35 feet on all other parcels or lots. Flag poles intended for permanent use are subject to appropriate building permits.

E. Permanent Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones. Except in shopping centers (where special rules, stated in the next subsection, apply) and public assembly uses (to which special rules, stated below, apply), permanent signs may be installed on or along the face of a building in commercial zones and commercial uses in a mixed-use zone, and industrial or institutional zones, subject to the following:

1. Signs exceeding twenty five square feet in display area:
 - a. Maximum number: one sign per establishment premise per frontage along a street, freeway, or parking lot;
 - b. Sign area on the primary frontage shall not exceed 30 percent of the area of the building face or four square feet of sign for each linear foot of building face along that frontage, whichever is greater;
 - c. Sign area on a secondary frontage shall not exceed 15 percent of the area of the building face or two square feet per linear foot of secondary frontage, whichever is greater;
 - d. The sign face shall not be located, such as by a cabinet, deep lettering, or architectural feature, more than 18 inches from a building face.

2. Permanent signs with 25 square feet or less of display area in ~~Commercial, Industrial, Institutional, Mixed-Use and Multi-Family Zones:~~

- a. Location: only in windows or along the face of a building;
- b. Maximum total cumulative area: not exceeding ten percent of the wall or elevation on which the sign is placed;

F. Permanent Signs in Shopping Centers. Permanent signs for establishments within a shopping center shall be limited to one per establishment premises per frontage on a common walkway, parking lot, driveway, alleyway, street, or freeway. The size and placement of these signs shall conform with the standards specified for Permanent Signs in Commercial, Industrial, Mixed-Use and Institutional Zones (Subsection 18.47.080(E)) as well as standards

that may be applied through any required City Council or Planning Commission approval, including but not limited to a conditional use permit, planned development permit, specific plan, or variance.

G. **Public Assembly Uses.** On property used for public assembly, with periodically changing programs, the following signs may be installed and displayed, subject to a sign permit:

1. **Wall sign:** one wall mounted sign not to exceed twenty square feet in area per street frontage or parking lot frontage; and
2. **One freestanding changeable copy directory sign** not to exceed six feet in height and twelve square feet in area per street frontage or parking lot frontage shall be allowed;
3. **Provided, however,** that the signs shall be architecturally related to the structure to which they are appurtenant;
4. **Number Limit:** No more than two wall-mounted signs plus no more than two freestanding signs.

H. **Pole or Monument Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones.** Pole-mounted or freestanding signs are allowed subject to a sign permit in the commercial and industrial zones and non-residential uses in a mixed-use zone, subject to:

1. **Number Limit:** Pole signs or monument signs shall be limited to one sign per frontage on street, freeway, or parking lot, and may include a cluster sign identifying individual businesses on the parcel(s);
2. **Display Area Limit:**
 - a. The total area of any sign installed along the primary frontage shall not exceed four square feet per lineal foot of property on the primary frontage;
 - b. The total area of any sign installed along each secondary frontage shall not exceed two square feet per lineal foot of property on the secondary frontage;
3. **Location:** Sign structures shall not be placed within the required setback area applicable to that zone, except that projecting signs may protrude into or overhang a maximum distance of one-half of the setback.
4. **Height Limit:** Pole signs may be 1½ feet high for each 1-foot away from the centerline of the street on which the sign is located, but in no case exceeding:
 - a. **MXC 1 & MXD 1 zones** - 50 feet;
 - b. **MXC 2 & MXD 2 zones** - 50 feet. Signs exceeding 50 feet may be allowed if located near a freeway and approved by the Planning Commission as compatible with the other uses near the site;
 - c. **CA & CS zones** - 50 feet. Signs exceeding 50 feet may be allowed, up to a maximum of 75 feet, if located near a freeway and approved by the Planning Commission as compatible with the other uses near the site;
 - d. **Industrial zones** - 70 feet.
 - e. **Institutional zones** - 50 feet.

I. **Rotating Signs in Commercial and Industrial Zones.** Signs that rotate are restricted to no more than eight revolutions per minute. Rotating signs are allowable only in commercial and industrial zones.

J. **Projecting Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones.** Projecting signs may be installed and displayed, subject to a sign permit, in all commercial, industrial, mixed-use, and institutional zones, subject to:

1. Projecting signs shall not project over any public right-of-way, including streets or alleys, except as provided in Subsection D, below;

2. The maximum height of any projecting sign shall be 12 feet, and may project above any eave or parapet of less than 12 feet in height, but may not project inward over any such eave or parapet.

3. Maximum display area for all sides: 32 square feet.

4. Projecting signs may project over street parkways and required setback areas a maximum of one-half of the street parkway or setback width. For the purpose of this section, "street parkway" is defined as that part of the public street right-of-way lying between the front property line and the edge of the roadway.

5. Number limit: No more than one projecting sign shall be placed on each street frontage per business premises.

6. Qualification: A projecting sign shall be permitted only in lieu of a freestanding or marquee sign, and may not be utilized in addition to a freestanding or marquee sign.

7. Design: Projecting signs shall be supported so as to appear to be an architectural and integral part of the building. The sign shall be free of any extra bracing, angle iron, guy wires, or cables.

K. Digital Display Signs. Signs using digital display are allowed in the following zones: industrial, commercial, and mixed-use districts, subject to a sign permit, and subject to:

1. Maximum height: the same rule that would apply to the same sign if it were not using digital display;

2. Minimum requirement: digital display must be part of a master sign program;

3. Maximum display area:

a. For properties that front on arterial roadways, the digital display portion of the sign structure shall not exceed 25% of the allowable display area;

b. For properties that front on highways, the digital display portion of a sign shall not exceed 50% of the allowable display area;

c. Maximum Number: No more than one sign using digital display may be permitted on a site. The electronic message display may be single-faced or double-faced.

d. Signs using digital display may not project moving images or images that appear to move; each still image must be on display a minimum of 8 seconds; transitions between still images shall not exceed one second.

e. Light Intensity: each sign using digital display shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3 foot-candles (over ambient levels) as measured at a preset distance as established by the Lewin Report as prepared for the Outdoor Advertising Association of America (OAAA). The city may modify or further restrict the intensity of any DAD display should the lighting create a distraction to drivers or an adverse effect on nearby residential property.

f. Operational Hours: the digital display portion of any sign shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.

g. Signs using digital display shall be shielded or the light intensity reduced as necessary to prevent annoying glare impacting surrounding properties.

h. All new signs using digital display, which are not attached to a building, shall be mounted on one support column only.

i. Signs using digital display may be located on the wall of a building, provided the sign does not obscure any of the building's windows, architectural features, or other architectural details.

j. No sign using digital display may be placed within one mile of another sign using digital display on the same side of a highway. No sign using digital display may be placed within 1000' of another digital display on any street.

k. Signs using digital display are limited to noncommercial messages and onsite commercial messages; such signs may not be used as billboards or for purposes of general advertising for hire.

18.47.090 Temporary Signs. All temporary signs must have attached to them contact information for the persons and/or entities placing the signs on public display. Such information must include, at a minimum, the name of the person(s) and/or entities, and currently valid contact information such as phone number, mailing address, or email address. The purpose of this requirement is to give the City a way to contact persons who exceeded the time limit or other rules regarding display of certain signs, and give them an opportunity to cure the violation. The contact information must be in an easily readable, common typeface, such as Times New Roman, Garamond, Helvetica, Arial, or similar. Type size must be at least ten point.

A. Construction Site Signs. Temporary signs may be installed and displayed on construction sites without permit, subject to:

1. The maximum total area for signs at single-family residential construction projects shall be 20 square feet per street frontage;

2. The maximum area of signage at other construction projects shall be 50 square feet per street frontage;

3. For any request for square-footage exceeding the limits set forth in Subsections A.1. and A.2., a temporary use permit is required, the granting or denial of which shall be based solely on objective criteria such as time, location, and size;

4. All signs must be removed prior to and as a condition of the final inspection and approval of the project.

B. Temporary Signs Regarding Real Property Offered For Sale or Lease. Temporary signs may be installed and displayed on real property that is currently offered for sale or lease, or otherwise pursuant to Civil Code 713, without a sign permit, subject to:

1. A maximum of two temporary signs may be installed on developed or undeveloped property, with the following requirements and specifications for the sign:

a. The maximum area of signage allowed by this section per parcel per street frontage in commercial, industrial, mixed-use, multi-family, or institutional zones shall be 50 square feet;

b. These signs shall not be specially illuminated;

c. Such signs shall be removed within ten days following the lease or sale of the premises on which the sign is displayed.

C. Temporary Signs for Special Events. Temporary signs may be installed and displayed when related to and for the duration of thirty (30) days prior and five (5) days after a special event, subject to:

1. Special Event Signs in Commercial, Industrial, Multi-family, Mixed-use and Institutional zones

a. Temporary signs which do not cumulatively exceed 32 square feet in display area per street frontage, are allowed subject to a special event permit;

b. Temporary signs, except flags and banners, shall not be fastened directly to the exterior wall or face of any building. Temporary signs may be displayed in windows or on display boards, provided the combined total area of all signs does not exceed ten percent of the area of the building face upon which the signs are mounted. (See Section 18.47.120 for restrictions on flags and banners.)

D. Temporary Signs in Residential Zones. Refer to Section 18.47.060 for signs in residential zones.

18.47.100 Vehicle Signs. Buses and taxis that legally traverse the public streets may display advertising; however, mobile billboards are prohibited on public streets and parking spaces.

18.47.110 Murals. Murals or mural-type signs, including those described as artistic murals, shall be treated as any other sign subject to signage area requirements.

18.47.120 Flags, Banners, and Pennants. Permit required: All banners require the approval of the planning division. In order to obtain approval, see application and drawings required at the city planning division.

A. Auto Sales Lots. These provisions apply to all motor vehicle sales. Flags, banners, and pennants may be displayed on automobile sales lots without time limitation or site plan review, provided that:

1. The displays are properly maintained;
2. Displays are limited to the perimeter of the lot;
3. Displays do not exceed a height of twenty-five feet above the ground;
4. Displays may not be used in place of a permanent sign.

B. Other Commercial and Industrial Uses. Flags, banners, and pennants may be displayed on other commercial and industrial uses for a cumulative period of sixty days within each calendar year. The time limit commences when a banner permit is issued by the planning director. The sixty-day period may be divided into two occasions per calendar year, provided the total display time does not exceed sixty days per calendar year. A banner permit fee and an administrative fee in an amount representing the anticipated city enforcement costs in causing the applicant to remove flags or banners shall be paid to the city treasurer at the time of application for site plan review. The administrative fee shall be refunded upon the verified removal of the flag or banner by the specified deadline.

C. The following shall apply to all displays of commercial flags, banners, and pennants, except for displays on auto sales lots:

1. Must be removed by the owner or occupant within fifteen days after a determination by the city manager or that the display is improperly maintained or the flag, banner or pennant is tattered or worn;
2. Shall not be larger than forty square feet (cumulative of all visible copy/image areas);
3. Shall not be displayed in lieu of a permanent sign;
4. Shall not be placed on a roof, placed in required yard areas, or landscaped areas;

5. Must be compatible with the primary building's appearance;
6. Violation of the time limits shall render the site ineligible for issuance of a permit for display of a flag, banner or pennant for a period of one year from the date that the violation is abated;
7. The restrictions of this section shall also apply to signs and banners located within the first eight feet of the interior of commercial or industrial premises when such sign or banner is visible to the exterior.

18.47.130 Master Sign Programs.

Purpose and Applicability. The purpose of the master sign program provisions is to provide a coordinated approach to signage for National City's business districts, which include but not limited to the Harbor District, Downtown, Mile of Cars, and Plaza Bonita. Whenever a development project will have 6 or more separately leased spaces, then a master sign program is required.

A. **Approval.** A master sign program shall require the approval of the planning commission and the city council, after considering the proposed design standards.

B. **Design Standards.** Master sign programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.

C. **Effect of Master Sign Program.** All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.

18.47.140 Nonconforming Signs; Abandoned Uses. Signs that were legal when first installed, and which have not been modified or expanded in a manner that was illegal at the time of modification or expansion, may continue in use, so long as there is no modification or expansion which violates the regulations of this Chapter. If the size or configuration of a parcel or building is changed by the subdivision or splitting of the property or alterations to the building or parcel, property identification signs and outdoor advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels, at the time such change becomes effective.

Nonconforming signs shall be removed or made conforming when the business or property changes occupancy or ownership.

A. **Change of Land Use / Nonconforming Signs.** When there is a change in the use of land upon which are located signs that do not conform to this Chapter, then all signs on the parcel, lot, or leasable space must be brought into conformance with this Chapter and all other applicable laws, rules, regulations and policies.

B. **Abandoned Site or Building.** When the use of any parcel or building is vacated, terminated, or abandoned for any reason for a period of more than ninety consecutive days, the owner or person in possession of the property shall be responsible for the physical removal of all signs on the property, building or wall(s), and for painting over the surface so as to obliterate any painted or printed signs on the building so that the copy is not visible, within thirty days following notice from the city. Removal, painting out, or obliteration shall be performed in a manner that does not create a blighting influence. Any sign that relates or pertains to an establishment that is not actually operating on the same site for a period of ninety (90) or more

consecutive calendar days shall be considered abandoned. Legal nonconforming use rights are extinguished when a sign qualifies as abandoned.

18.47.150 Safety, Maintenance, and Refacing.

A. **Safety Codes – Compliance Required.** All signs must comply with the applicable Uniform Building, Mechanical, Electrical Codes, and other safety codes adopted by the City. Safety Code Permits for installation shall be obtained, when required, prior to any installation, from the director of building and safety.

B. **Maintenance.** All signs and their supporting structures and components shall be maintained in a state of safe condition and good repair. Signs shall be "face washed" at least once a year. Electrically energized components must bear the seal of approval of an approved testing laboratory. Broken faces and burned-out lamps, bulbs, or tubes must be replaced within thirty days from the date of notification from the City. All permanent signs shall be "face washed" at least once a year. Electrically energized components must bear the seal of approval of an approved testing laboratory. Broken faces and burned-out lamps, bulbs, or tubes must be replaced within fifteen days from the date of notification from the city.

C. **Refacing.** Changing the copy or refacing of a sign shall require a sign reface permit. No consideration of message content shall occur. The purpose is to maintain an inventory of signs.

18.47.160 Enforcement and Removal.

A. **Public Nuisance.** All violations of this Chapter are declared to constitute public nuisances which may be abated by any method provided by law.

B. **Enforcement.** Each day of violation or non-compliance with these regulations shall be deemed as a separate offense and subject to all remedies available at law. Legal procedures and penalties shall be in accordance with the enforcement procedures established by the municipal code or state law.

C. **Illegal Signs.** Illegal signs may be abated by the City in accordance with its Municipal Code, state law, including but not limited to Business and Professions Code 5499.1 et. seq., or state law on abatement of public nuisances, or as otherwise provided by law.

D. **Summary Abatement – Safety Hazards.** If any sign is an immediate threat to the public health and safety by virtue of the physical condition of the sign structure, said sign may be immediately and summarily removed with the cost of such removal charged to the property owner in accordance with this Chapter.

E. **Notice of Violation.** Whenever any sign or part thereof, other than those causing an immediate threat to the public health and safety, constitutes an illegal sign and/or is erected or maintained in violation of this Chapter, the Director shall give written notice to all Responsible Parties to remove the sign or to bring it into compliance. The notice shall specify the nature of the violation, and give directions for a cure, which may include complete removal or replacement by a specific date. The notice shall advise the permittee, owner, or person in charge of the sign of the hearing rights established by this Chapter. The date for removal specified in the written notice shall not be less than ten (10) days from the date of the mailing of the notice for permanent signs; and, the date for removal specified in the written notice for temporary signs shall not be less than seven (7) days from date of the mailing of the notice. The responsible party receiving notice may request a hearing as detailed in 18.47.050.

F. **Removal of Uncured Violations.** Whenever the Responsible Parties fail to comply with an order of the Director made pursuant to this Section, and the time for cure has

elapsed without the cure being effected, the Director may remove the sign, or order it removed, either by the City's own force or by a private party under contract. The expense of the removal may be charged, jointly and severally, to any and all responsible parties. Such amount shall constitute a debt owed to the City. No permit shall thereafter be issued to any permittee, owner, or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees, incurred by the City in collection of the costs shall be added to the amount of the debt.

G. Cumulative Remedies. The provisions of this Section are alternative and additional remedies for the enforcement of this Chapter. Nothing in this Section shall preclude the City from enforcing the provisions of this Chapter by any other criminal, civil, or administrative proceeding.

18.47.170 Severability. The city council declares that the judicial invalidity of any subsection or portion of this chapter shall not affect the validity of any other remaining section or portion; that the city council would have adopted each of those remaining portions, notwithstanding any later declared invalidity. If any provision determined invalid under the preceding sentence can either be judicially severed or interpreted in a way that could harmonize it with the remaining provisions, then it may be severed or interpreted and applied so as to give full purpose, meaning, and effect to the remaining provisions of this chapter.

PASSED and ADOPTED this _____ day of _____, 2016.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

